

State of Missouri Public Defender Commission



Fiscal Year 2002 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director
Kathleen L. Lear, Comptroller/Legislative Liaison

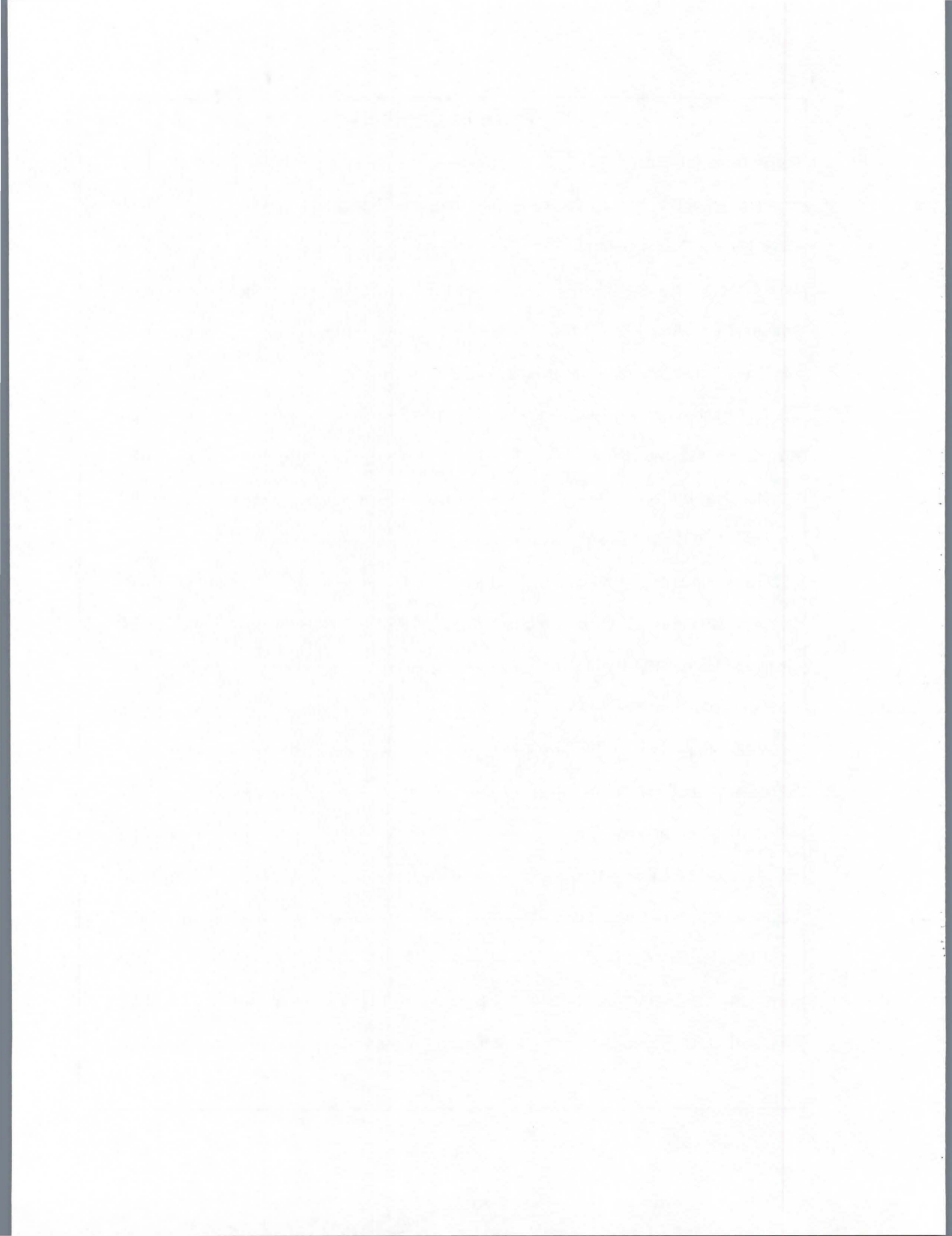
[Http://www.publicdefender.state.mo.us](http://www.publicdefender.state.mo.us)

October 1, 2002



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J. Marty Robinson
Director

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Comptroller

M E M O R A N D U M

TO: Governor Holden
Chief Justice Limbaugh
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director and
Members of the State Public Defender Commission

DATE: October 1, 2002

RE: Fiscal Year 2002 Annual Report

It is with great pleasure we present to you this Annual Report of the Missouri State Public Defender System for the fiscal year ended June 30, 2002.

Our ever-increasing caseload continues to be a concern of our Department. Total assigned cases were 82,206, up from 76,786 in FY01. Case dispositions were 77,165, an increase of 3,727 cases from the previous year. Our disposition rate of 93.8% is down from 95.6% in FY01 and is a cause for concern. In the past three fiscal years the Missouri State Public Defender System was assigned 234,730 cases, but was only able to dispose of 220,194 cases. The backlog, now at 14,536 cases, continues to grow.

Missouri's Public Defenders continue to fall further behind because there are simply not enough public defenders. Recruiting and retaining public defenders is paramount to the efficient and effective administration of Missouri's criminal justice system.

Our Department continues to concentrate recruitment efforts at all Missouri law schools, as well as other law schools in the region. Nevertheless, the Missouri State Public Defender System is unable to hire attorneys for many public defender positions, particularly in rural areas of the state. Heavy workloads, low salaries and crushing student loan debt have greatly hampered our Department's ability to recruit and retain attorneys. Our problem is not unique.

Section 1: Introduction

Section 2: Methodology



Section 3: Results

Section 4: Discussion

Section 5: Conclusion

Section 6: References

Section 7: Appendix

In discussions with other departments of state government, including the Attorney General, Department of Social Services, and Department of Revenue, we have found that recruitment and retention of lawyers is not just a public defender problem. It is a State of Missouri problem.

While public sector salaries have never been equal that of the private sector, it appears the gap has widened considerably. A recent economic survey of the Missouri Bar indicates salaries of newly admitted lawyers have increased significantly in the past few years. The average income of lawyers in full-time practice, age 30 and under, is now reported at \$60,217. In 2000, 15.3% of surveyed attorneys reported hiring newly admitted lawyers in the \$70,000 to \$80,000 range. On the other hand, newly admitted lawyers employed by virtually any department of state government can expect to earn in the lower \$30,000 range. It should come as no surprise that departments of state government cannot recruit and retain lawyers.

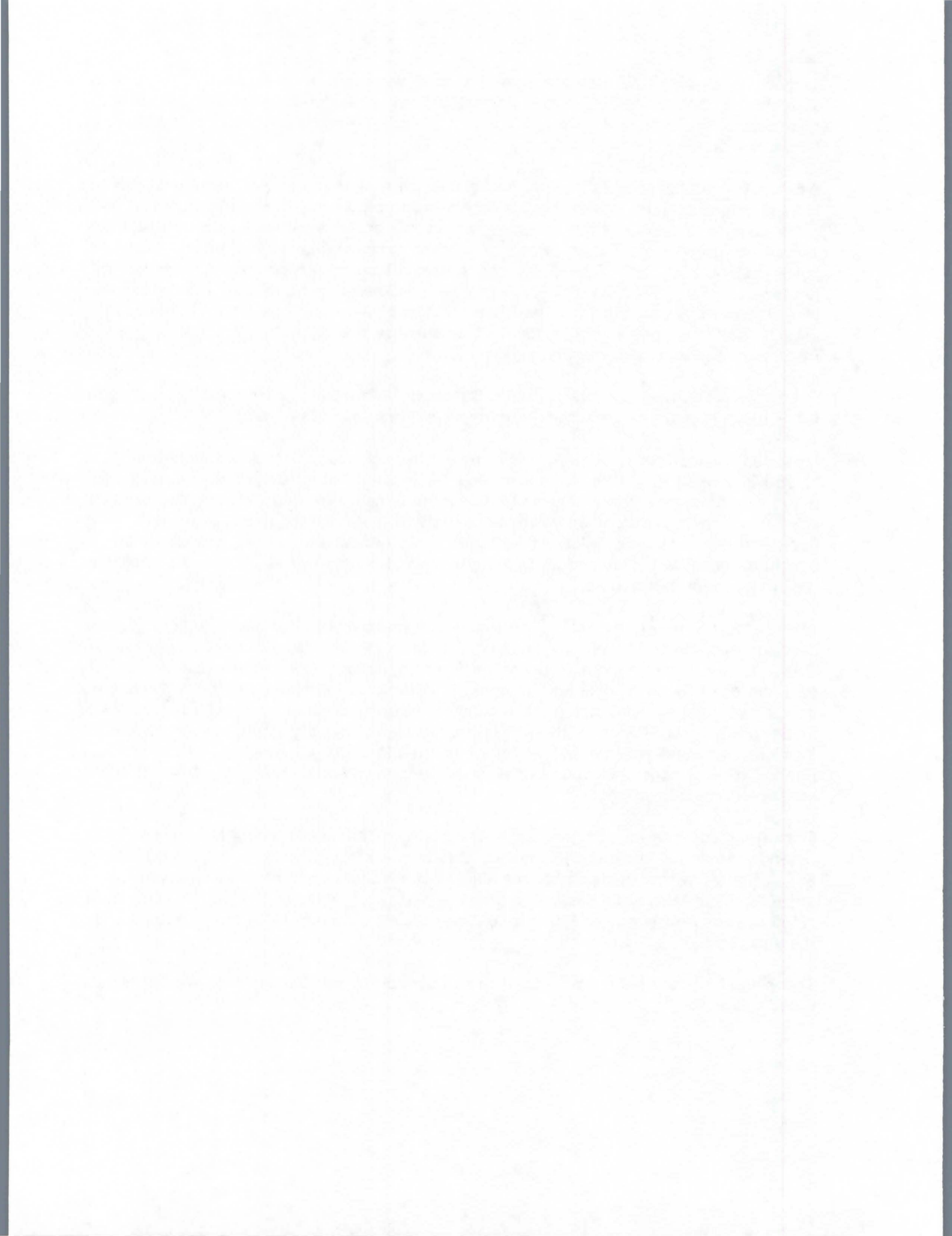
For fiscal year 2004 the State Public Defender Commission is requesting additional funds to address the crisis in the recruitment and retention of lawyers.

Most new assistant public defenders are recent law school graduates. Student loan debt of \$50,000 to \$100,000 is not uncommon. The State Public Defender Commission is requesting funds to begin a student loan reimbursement program. We are also requesting funds to improve attorney salaries generally for all assistant public defenders. It is our belief that a starting salary of \$40,000 is not unrealistic in today's market, and is absolutely necessary if we and other departments of state government are to compete in the employment marketplace.

The Missouri State Public Defender Commission and the Office of State Public Defender continue our efforts at securing adequate, efficient facilities for all public defender offices. As caseloads continue to decrease in metropolitan areas and increase in rural areas, the need to be flexible with statewide staffing and efficient use of statewide resources continues to be critical. The current statutory scheme for providing public defender office space (RSMo. 600.040.1) does not allow flexibility where needed. We once again propose and recommend a change to Chapter 600, allowing the Office of State Public Defender control of and budget for its own office space, rather than having office space a county obligation.

Fiscal year 2002 saw a continuation of the previous challenges facing Missouri's Public Defender System. The trends in our caseloads and having the lawyers to handle them are alarming. Within the limits of our funding and within our abilities we will continue to strive to make Missouri's system of criminal justice the envy of the nation. Our dedicated lawyers and support staff will continue their heroic efforts as the demands upon them increase.

Thank you for your continuing interest in and support of our department. We appreciate it and desperately need it.



Public Defender Commission

Annual Report – Fiscal Year 2002

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services to the indigent accused. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by State Public Defender District Offices.

Today, the Missouri State Public Defender is organized into three legal service divisions, which include the Trial, Appellate, and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Every attorney in the Public Defender System handles cases representing Missouri's indigent accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty.

Using data from fiscal year 2002, a composite example of a "typical defender" can be developed. The "typical defender" will close 252 cases in the course of one year. This means the defender must dispose an average of one case each workday to insure successful management of the cases assigned. Approximately 100 of the cases assigned to the "typical defender" in a year are felonies. The breakdown by category of cases handled by the "typical defender" is presented on the following page.

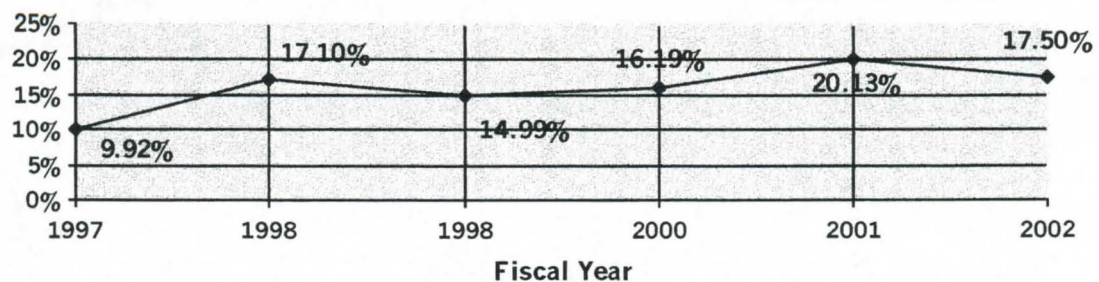
FY2002**State Public Defender System-Wide
Composite Public Defender**

Description	# of Cases
Homicide	1
A-B Felony	22
C-D Felony	80
Misdemeanor	77
Juvenile	12
Post Conviction Relief	3
Probation Violations	55
Appeals	2
Total Average Caseload Per System Attorney	252

Given the workload of our "typical defender," the demand on attorney time is greater than ever. The average Public Defender provides representation in 252 cases each year; more than one per day every workday of every week for the entire year. Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Historically, recruitment and retention of attorneys have been a tremendous problem for the State Public Defender System. Increased funding for attorney salaries in Fiscal Years 1995 and 1996, temporarily improved retention, reducing attorney turnover from 20% per year to 7% per year. Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover is again increasing.

Attorneys Leaving Public Defender System



Caseload and Cost Highlights

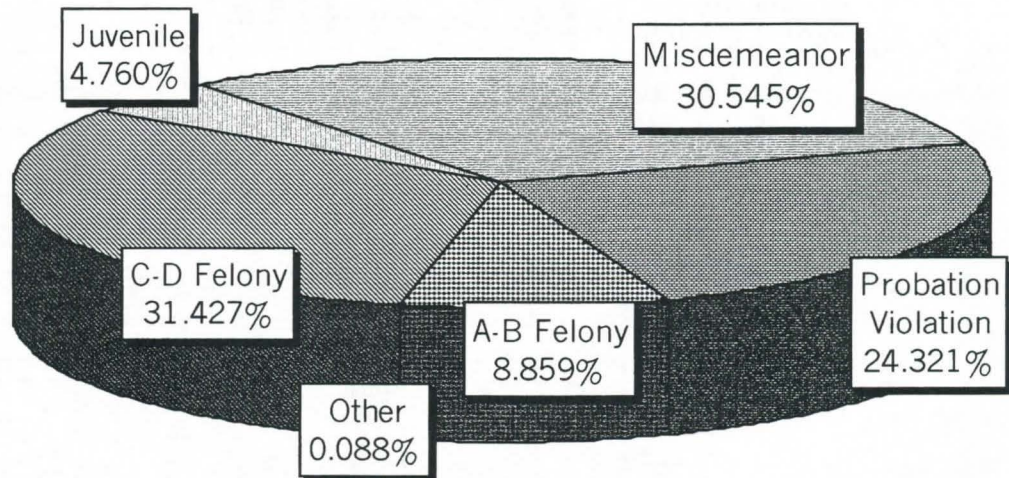
A. Caseload

1. New Cases

The State Public Defender System's Trial Division opened 80,163 new cases in Fiscal Year 2002, an increase of 7% from Fiscal Year 2001. By far, the greatest number of cases are reflected in the felony and misdemeanor caseloads.

FY2002		
Trial Division		
Opened Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	1
15	Murder – 1 st Degree	137
20	Other Homicide	125
30	A-B Felony	7,012
35	C-D Felony	25,807
40	Misdemeanor	19,972
45	Misdemeanor – Traffic	5,111
50	Juvenile – Status	837
52	Juvenile – Criminal	3,072
54	Post Conviction Relief/Rule 24 & Rule 29	0
60	Chapter 552	46
65	Probation Violation	18,017
75	Writ	18
80	Appeal	7
82	Direct Appeal	1
	Total Trial Division Assignments	80,163

FY2002 - Trial Division Opened Cases by Case Type

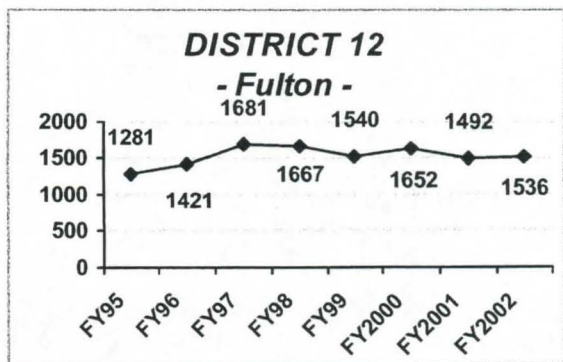
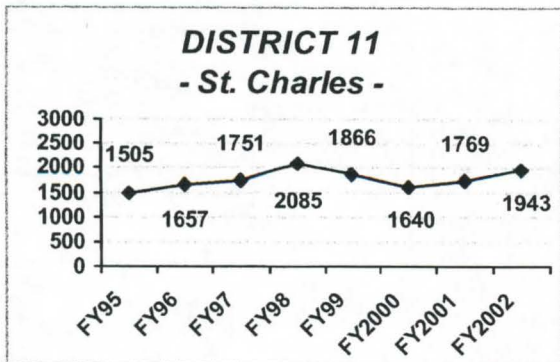
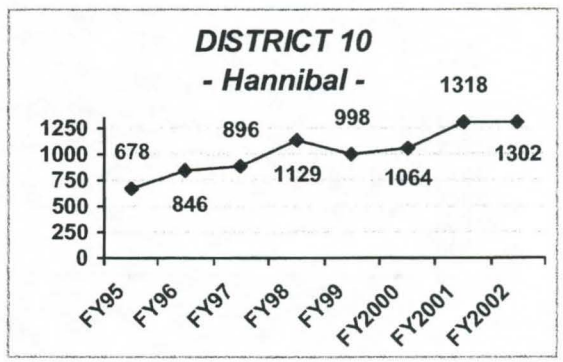
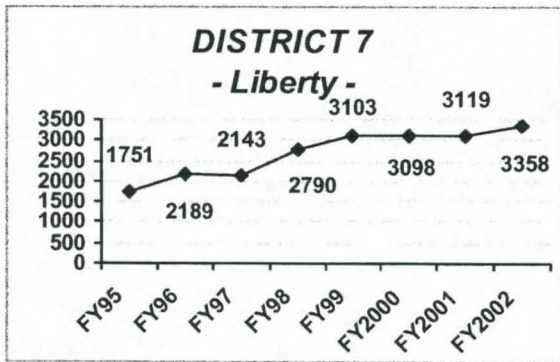
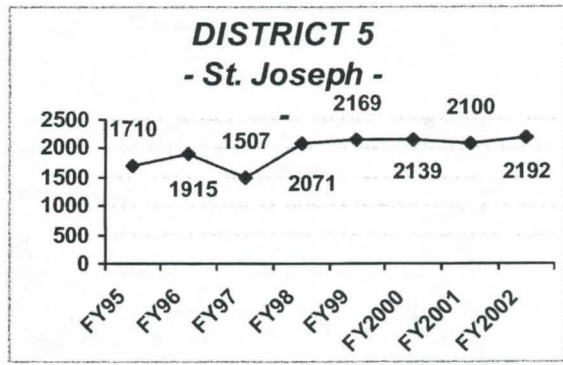
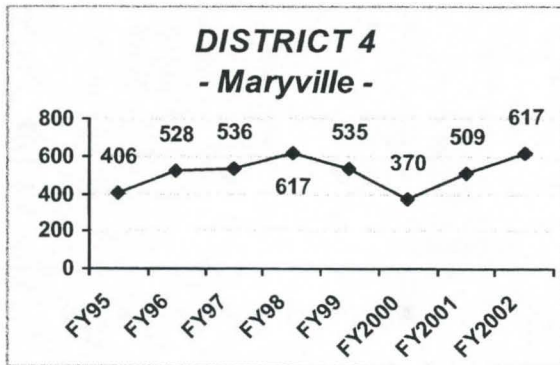
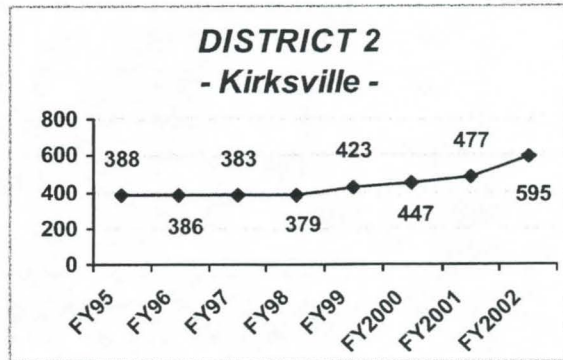
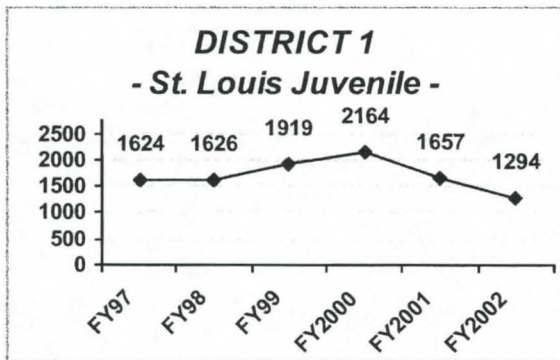


Felony Cases Opened	33,082 or 41.27% of the total caseload
Misdemeanor Cases Opened	25,083 or 31.29% of the total caseload
Probation Violation Cases Opened	18,017 or 22.48% of the total caseload
Juvenile Cases Opened	3,909 or 4.88% of the total caseload

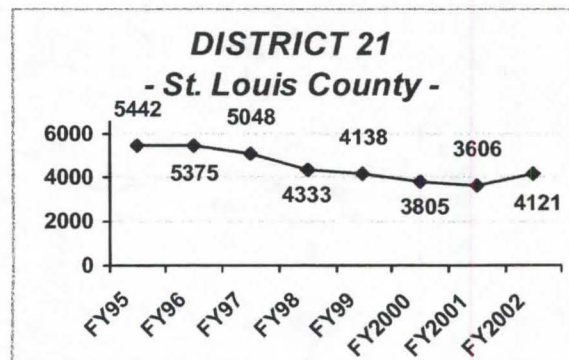
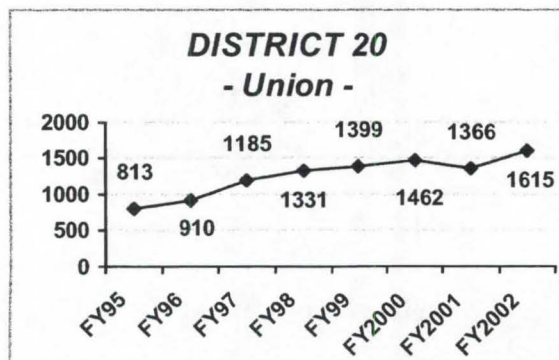
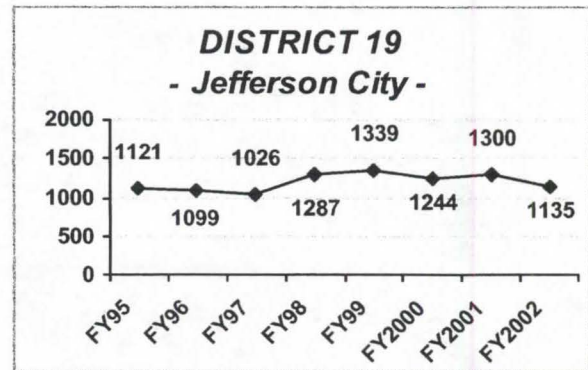
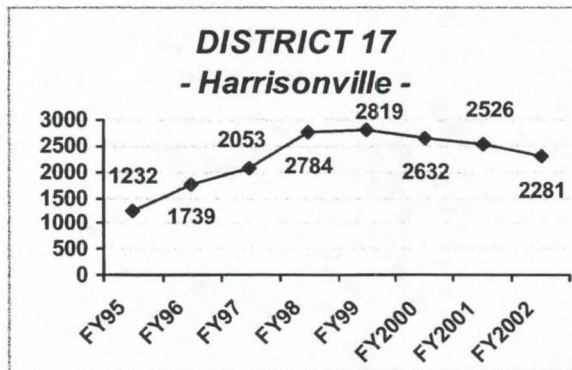
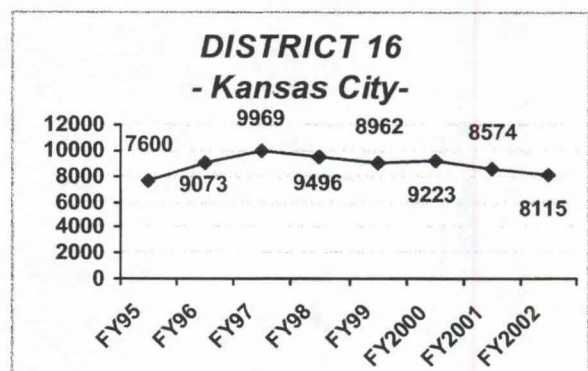
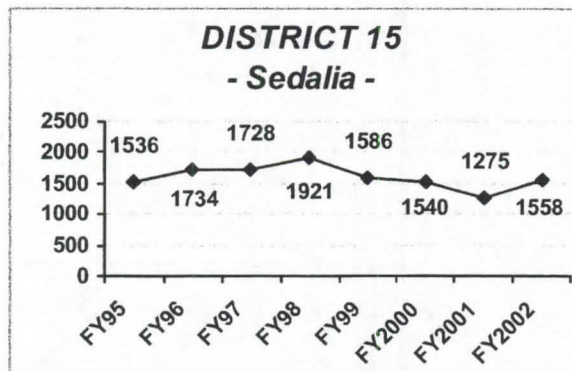
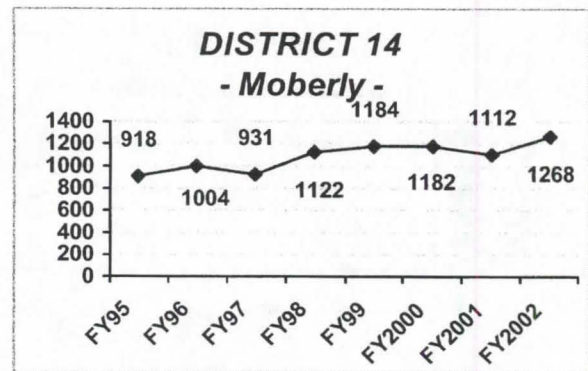
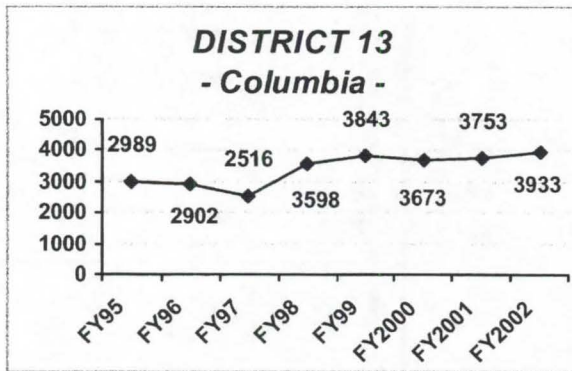
TRIAL DIVISION CASE ASSIGNMENTS
SIX FISCAL YEAR COMPARISONS - FY97 to FY2002
BY DISTRICT

District #	District Name	FY97 Cases	FY98 Cases	# Change % Change		FY99 Cases	# Change % Change		FY00 Cases	# Change % Change		FY01 Cases	# Change % Change		FY02 Cases	# Change % Change		# Change % Change	
		Assigned	Assigned	97 to 98	97 to 98	Assigned	98 to 99	98 to 99	Assigned	99 to 00	99 to 00	Assigned	00 to 01	00 to 01	Assigned	00 to 01	00 to 02	97 to 2002	7 to 2002
1	St. Louis Juvenile	1,624	1,626	2	0%	1,919	293	18%	2,164	245	13%	1,657	-507	-23%	1,294	-363	-22%	-330	-26%
2	Kirksville	383	376	-7	-2%	423	47	13%	447	24	6%	477	30	7%	595	118	25%	212	36%
4	Maryville	536	617	81	15%	535	-82	-13%	370	-165	-31%	509	139	38%	617	108	21%	81	13%
5	St. Joseph	1,507	2,071	564	37%	2,169	98	5%	2,139	-30	-1%	2,100	-39	-2%	2,192	92	4%	685	31%
6	Kansas City Juvenile											406	406		996	590		996	*
7	Liberty	2,143	2,790	647	30%	3,103	313	11%	3,098	-5	0%	3,119	21	1%	3,358	239	8%	1,215	36%
10	Hannibal	896	1,129	233	26%	998	-131	-12%	1,064	66	7%	1,318	254	24%	1,302	-16	-1%	406	31%
11	St. Charles	1,751	2,085	334	19%	1,866	-219	-11%	1,640	-226	-12%	1,769	129	8%	1,943	174	10%	192	10%
12	Fulton	1,681	1,667	-14	-1%	1,540	-127	-8%	1,652	112	7%	1,492	-160	-10%	1,536	44	3%	-145	-9%
13	Columbia	2,516	3,598	1,082	43%	3,843	245	7%	3,673	-170	-4%	3,753	80	2%	3,933	180	5%	1,417	36%
14	Moberly	931	1,122	191	21%	1,184	62	6%	1,182	-2	0%	1,112	-70	-6%	1,268	156	14%	337	27%
15	Sedalia	1,728	1,921	193	11%	1,586	-335	-17%	1,540	-46	-3%	1,275	-265	-17%	1,558	283	22%	-170	-11%
16	Kansas City	9,969	9,496	-473	-5%	8,962	-534	-6%	9,223	261	3%	8,574	-649	-7%	8,115	-459	-5%	-1,854	-23%
17	Harrisonville	2,053	2,784	731	36%	2,819	35	1%	2,632	-187	-7%	2,526	-106	-4%	2,281	-245	-10%	228	10%
19	Jefferson City	1,026	1,287	261	25%	1,339	52	4%	1,244	-95	-7%	1,300	56	5%	1,135	-165	-13%	109	10%
20	Union	1,185	1,331	146	12%	1,399	68	5%	1,462	63	5%	1,366	-96	-7%	1,615	249	18%	430	27%
21	St. Louis County	5,048	4,333	-715	-14%	4,138	-195	-5%	3,805	-333	-8%	3,606	-199	-5%	4,121	515	14%	-927	-22%
22	St. Louis City	8,282	7,745	-537	-6%	6,711	-1,034	-13%	8,241	1,530	23%	6,954	-1,287	-16%	7,543	589	8%	-739	-10%
23	Hillsboro	1,435	1,269	-166	-12%	1,195	-74	-6%	1,234	39	3%	1,523	289	23%	1,584	61	4%	149	9%
24	Farmington	1,634	1,575	-59	-4%	1,719	144	9%	1,734	15	1%	1,808	74	4%	1,987	179	10%	353	18%
25	Rolla	1,877	2,147	270	14%	2,132	-15	-1%	2,358	226	11%	2,679	321	14%	3,001	322	12%	1,124	37%
26	Lebanon	1,501	1,906	405	27%	1,632	-274	-14%	1,901	269	16%	2,340	439	23%	2,429	89	4%	928	38%
28	Nevada	812	905	93	11%	1,007	102	11%	1,003	-4	0%	1,131	128	13%	1,288	157	14%	476	37%
29	Carthage	3,351	3,713	362	11%	3,461	-252	-7%	3,791	330	10%	3,882	91	2%	4,444	562	14%	1,093	25%
30	Buffalo	1,032	1,171	139	13%	1,076	-95	-8%	941	-135	-13%	1,083	142	15%	1,189	106	10%	157	13%
31	Springfield	2,584	2,536	-48	-2%	2,577	41	2%	2,739	162	6%	3,094	355	13%	3,787	693	22%	1,203	32%
32	Cape Girardeau	2,077	2,459	382	18%	2,237	-222	-9%	2,409	172	8%	2,703	294	12%	2,522	-181	-7%	445	18%
34	Caruthersville	556	1,106	550	99%	887	-219	-20%	985	98	11%	1,035	50	5%	1,167	132	13%	611	52%
35	Kennett	1,477	1,265	-212	-14%	1,522	257	20%	1,552	30	2%	1,699	147	9%	1,737	38	2%	260	15%
36	Poplar Bluff	1,350	1,579	229	17%	1,460	-119	-8%	1,232	-228	-16%	1,527	295	24%	1,573	46	3%	223	14%
37	West Plains	557	656	99	18%	642	-14	-2%	761	119	19%	768	7	1%	999	231	30%	442	44%
39	Monett	1,595	1,905	310	19%	1,880	-25	-1%	1,916	36	2%	2,151	235	12%	2,437	286	13%	842	35%
43	Chillicothe	1,728	1,945	217	13%	1,702	-243	-12%	1,707	5	0%	2,090	383	22%	2,356	266	13%	628	27%
44	Ava	543	616	73	13%	525	-91	-15%	437	-88	-17%	568	131	30%	611	43	8%	68	11%
45	Troy	676	777	101	15%	816	39	5%	849	33	4%	881	32	4%	932	51	6%	256	27%
47	Springfield Conflicts	350	441	91	26%	0	-441	-100%										-350	
49	St. Louis Conflicts	838	761	-77	-9%	696	-65	-9%	656	-40	-6%	638	-18	-3%	718	80	13%	-120	-17%
Total Trial Division Assignments		69,232	74,710	5,478	8%	71,700	-3,010	-4%	73,781	2,081	3%	74,913	1,132	2%	80,163	5,250	7%	10,931	14%
		FY1997	FY1998			FY1999			FY2000			FY2001			FY2002				

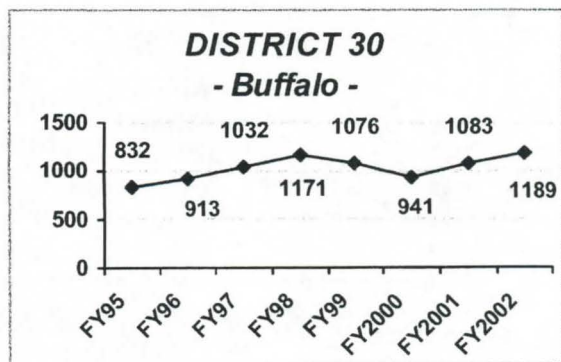
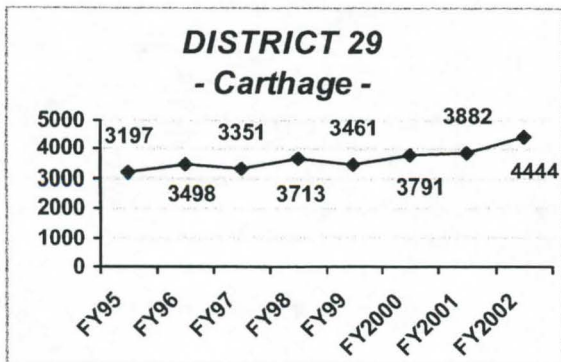
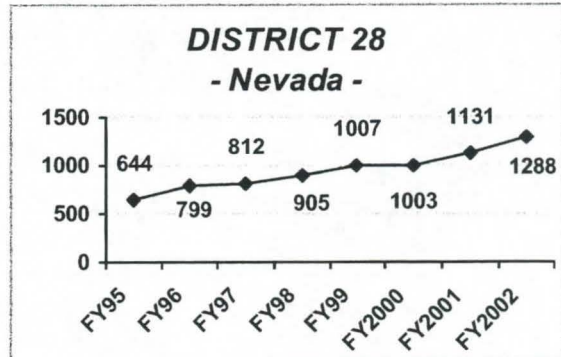
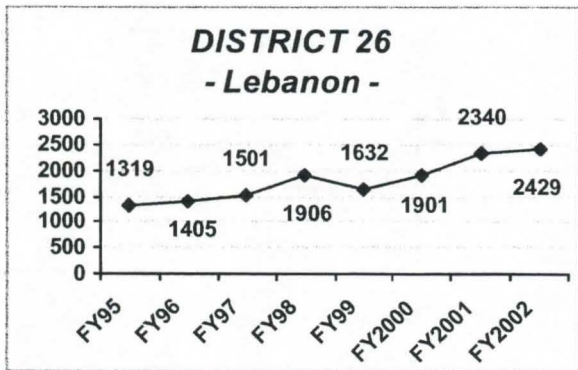
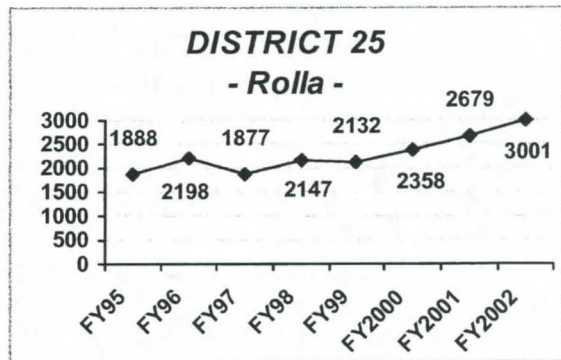
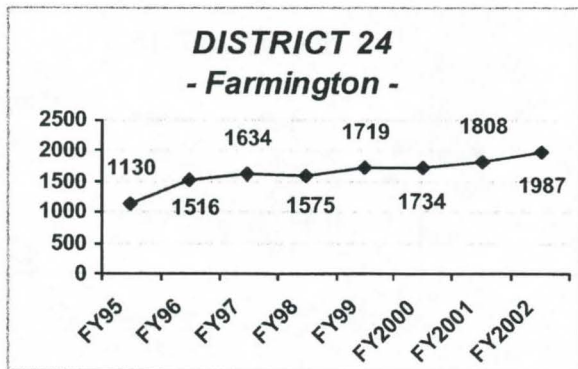
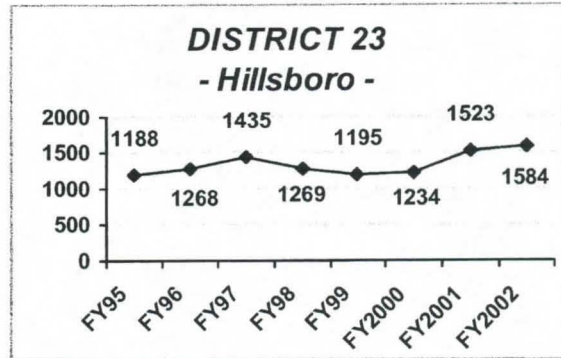
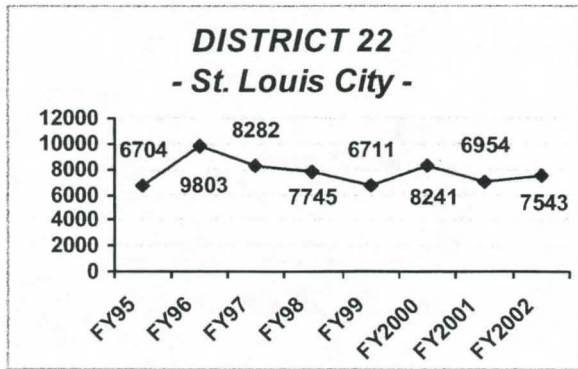
Assigned Caseload –By District FY1995 to FY2002



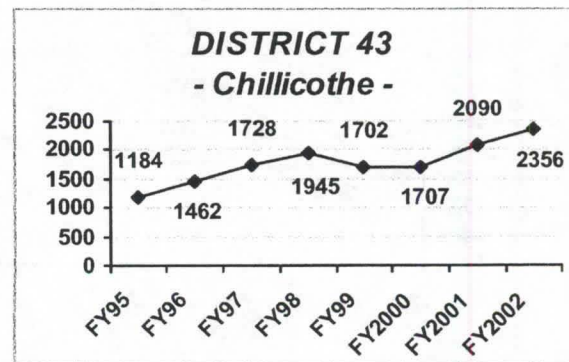
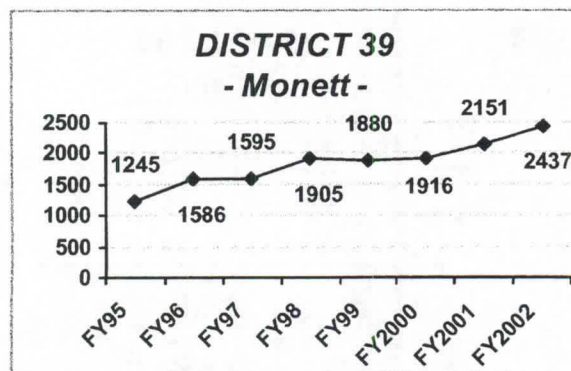
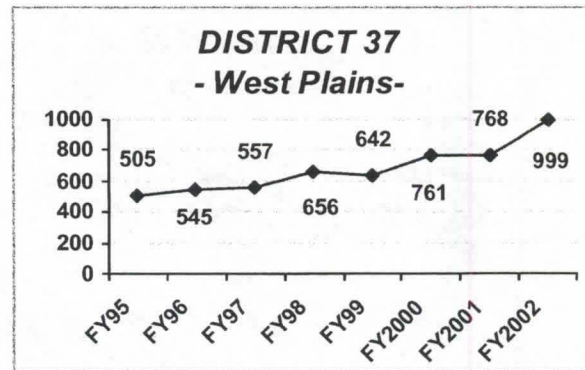
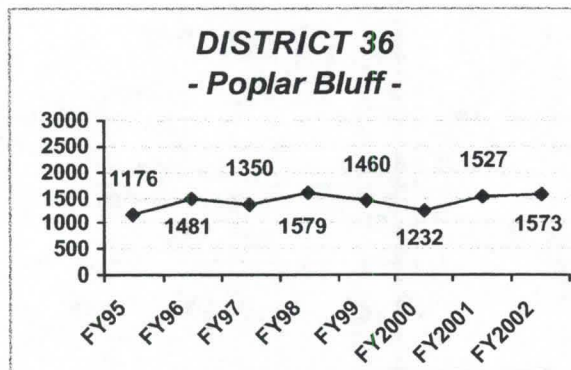
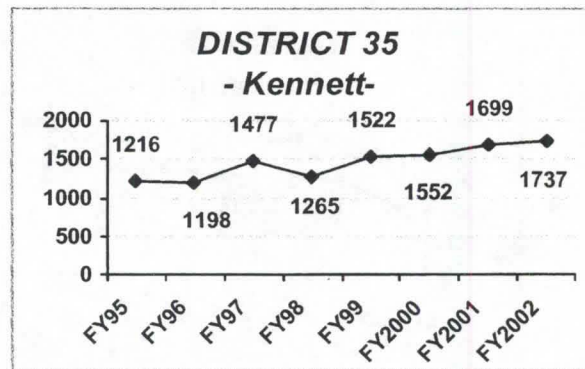
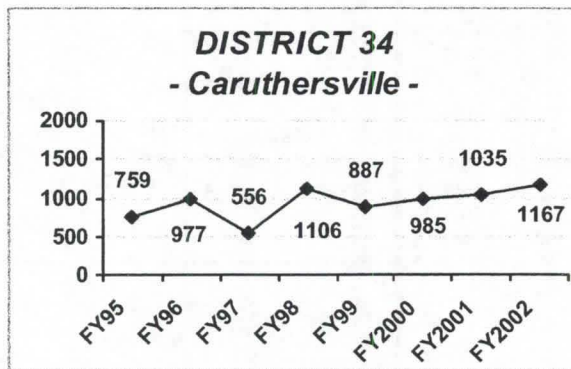
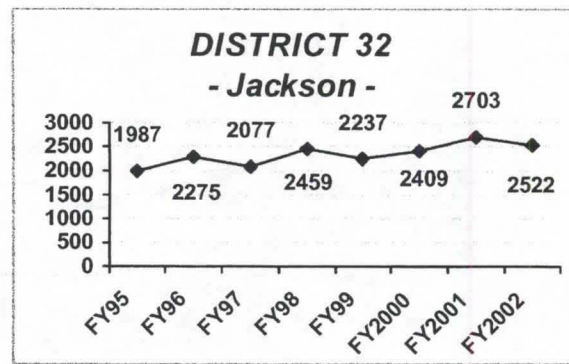
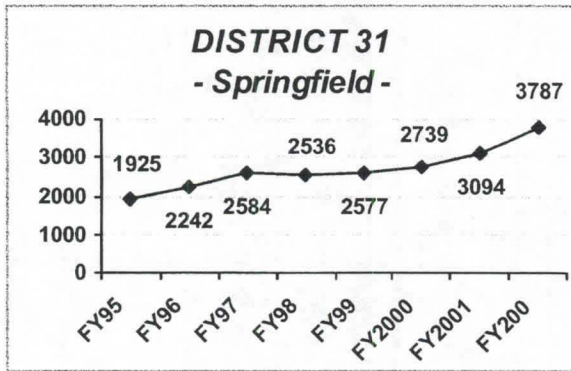
Assigned Caseload –By District FY1995 to FY2002



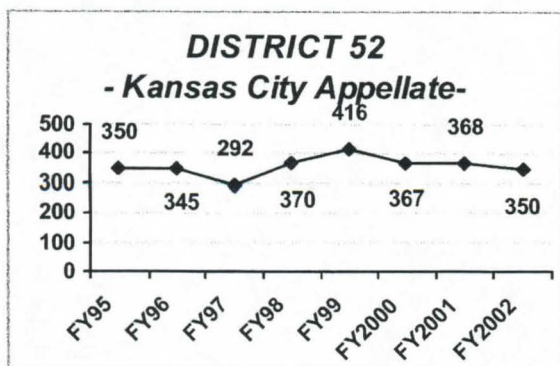
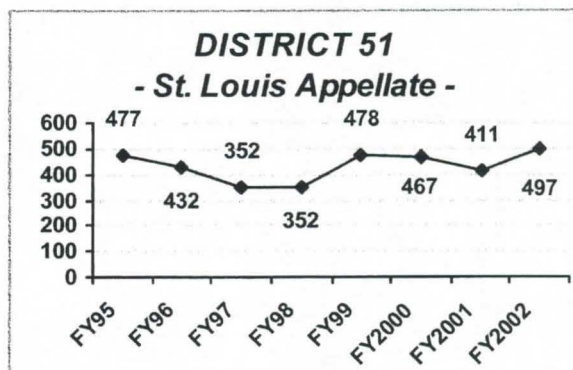
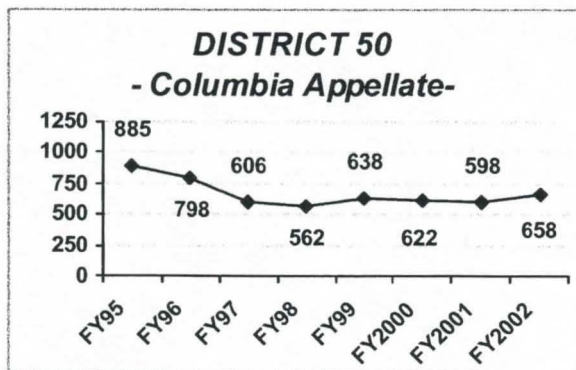
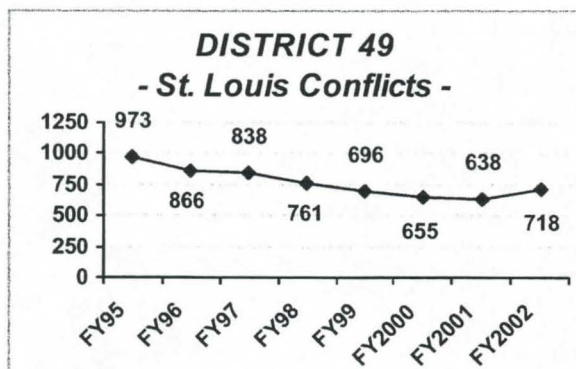
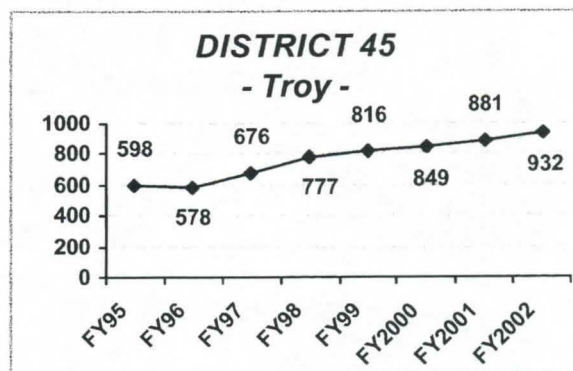
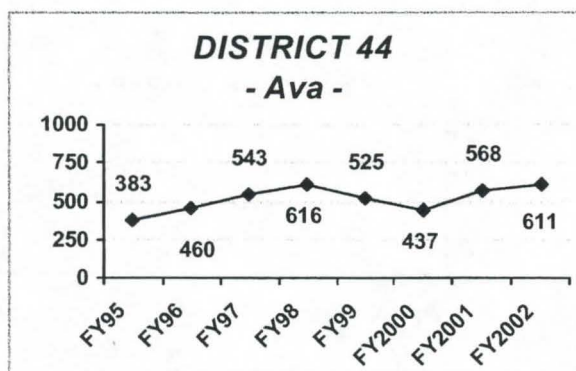
Assigned Caseload –By District FY1995 to FY2002



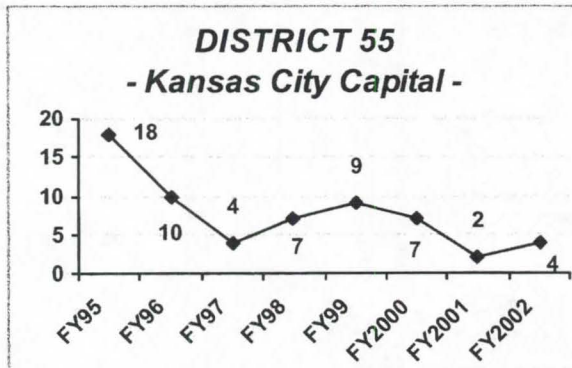
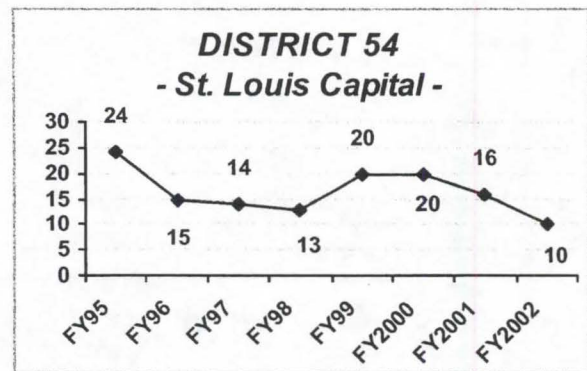
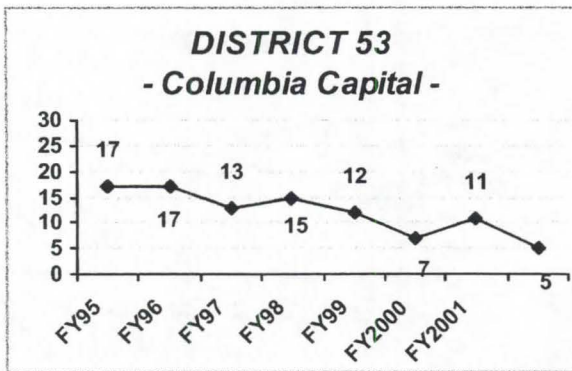
Assigned Caseload –By District FY1995 to FY2002



Assigned Caseload –By District FY1995 to FY2002



Assigned Caseload –By District FY1995 to FY2002



FY2002 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY02 Cases	Charge Code	Description	FY02 Cases
001.000	Probation Violation	10,481	195.410	Possession of chemicals for meth.	25
001.100	Juvenile	417	195.420	Creation of a controlled substance	216
001.110	Juvenile Injurious Behavior	252	210.104	Failure to provide child safety restraint	12
001.115	Juvenile Review Hearing	83	211.031	Exclusive jurisdiction of juvenile court	36
001.120	Juvenile PV Only	318	217.360	Possession of cont. sub. in corr. facility	141
001.125	Juvenile Status	170	217.385	Committing violence	62
001.130	Juvenile Misdemeanor	74	221.111	Delivering/possessing prohibited articles in jail	87
001.135	Juvenile Felony C-D (Cert.)	8	221.353	Damage to jail property FD	43
001.140	Juvenile Felony A-B (Cert.)	5	252.040	Pursuing/taking wildlife	30
001.145	Juvenile Felony C-D	76	252.045	Operation of MV on conservation property	1
001.150	Juvenile Felony A-B	23	260.212	Criminal disposition of solid waste	2
001.155	Juvenile Murder 1st/2nd (Cert.)	0	287.128	Workers compensation fraud/MA	8
001.160	Juvenile Homicide (Cert)	0	288.380	Illegal unemployment compensation	0
001.165	Juvenile Homicide	0	301.020	Failure to register	207
043.170	Failure to stop for Hwy Patrol	6	301.120	Failure to return plates	9
115.631	Election Offense Class I	3	301.130	Failure to display valid plates	134
142.830	Operating as Interstate Motor Fuel user	2	301.140	Displaying plates of another	59
143.931	Failure to file MO tax return	1	301.190	Certificate of ownership	5
144.480	Failure to pay state sales tax	6	301.277	Failure to register non-resident vehicle	21
167.031	Compulsory school attendance MC	59	301.320	Displaying another states plates	5
167.061	Educational neglect	12	301.390	Sale of vehicle with altered VIN	3
190.308	Misuse of 911 phone service	13	301.400	Removing/defacing manufacturer numbers FC	5
191.677	Risk of infecting another w/HIV FD	0	301.707	Failure to register an all-terrain vehicle	2
191.490	Violation of a law or regulation	1	302.020	Operating MV without a valid license	501
194.410	Disturbing human burial site	0	302.025	Financial responsibility while operating vehicle	127
194.425	Abandonment of a corpse	0	302.200	Operating MV w/out new license after revoked	15
195.130	Maintaining a public nuisance	9	302.210	Purchase of vehicle without receiving full title	3
195.202	Drug Possession	6,821	302.220	Possession of altered driver's license	15
195.203	Possession Under 35 Grams	634	302.230	Making false stmt to obtain driver's license M	5
195.204	Fraudulent attempt to obtain cont. sub.	123	302.260	Unlicensed person operating motor vehicle	6
195.211	Distribution/delivery/manufacture FA/B/C	3,358	302.321	Driving while suspended or revoked	5,820
195.212	Unlawful distribution to minor	3	302.780	Driving commercial vehicle under influence	1
195.213	Unlawful purchase or transport with a minor	3	303.024	Failure to provide evidence of insurance	173
195.214	Dist. drugs within 1000 ft of a school FA	150	303.025	Operating MV w/out financial responsibility	226
195.218	Dist. drugs within 1000 ft of public housing	60	303.041	Failure to maintain financial responsibility	40
195.222	Drug trafficking FD	81	303.370	Driving while revoked or suspended for 303.025	132
195.223	Drug trafficking SD	700	304.000	Traffic	174
195.226	Furnishing materials for producing cont. sub	9	304.010	Speeding	332
195.233	Use of drug paraphernalia MA	942	304.012	Careless and imprudent driving	281
195.235	Delivery or manufacture of drug paraphernal	25	304.013	Operating ATV's illegally	5
195.241	Possession of an imitation drug	13	304.015	Failure to drive on right side of the road	226
195.242	Delivery or manufacture of an imitation drug	80	304.016	Violation of passing regulation	16
195.246	Possession of ephedrine	146	304.017	Following too closely	19
195.254	Delivery by manufacturer or distributor	0	304.019	Failure to signal	55
195.291	Persistent drug offender	0	304.022	Failure to yield to emergency vehicle	70

FY2002 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY02 Cases	Charge Code	Description	FY02 Cases
304.271	Failure to stop at stop sign	61	565.060	Assault 2nd FC	891
304.281	Failure to stop at signal or crosswalk	30	565.065	Unlawful endangerment of another FC	0
304.351	Failure to yield right-of-way	63	565.070	Assault 3rd MA/C	2,633
304.665	Juvenile in bed of truck	0	565.072	Domestic Assault 1st FC	92
306.111	Neg. operation vessel/intoxicated/manslaughter	4	565.073	Domestic Assault 2nd FC	647
306.124	Fastening or damaging navigation aid w/ves	1	565.074	Domestic Assault 3rd FC	1,158
307.040	Failure to display stop & turn signals on trail	7	565.075	Assault on school property - FD	23
307.045	Faulty headlights	9	565.081	Assault law enforcement officer FA	69
307.070	Failure to dim lights w/in 500 ft oncoming v	12	565.082	Assault law enforcement officer	123
307.075	Failure to equip trailer with tail lights	16	565.083	Assault law enforcement officer 3rd MA	285
307.170	Operating vehicle with excessive noise	8	565.084	Tampering with a judicial officer	7
307.173	Vision reducing material applied to windows	6	565.090	Harassment MA	163
307.178	Seat belt violation	63	565.092	aggravated harassment	0
307.400	Operating commercial vehicle without service	13	565.100	Tampering with evidence	0
311.310	Supplying liquor to a minor	67	565.110	Kidnapping FA/B	73
311.325	Possession of liquor by a minor	217	565.120	Felonious restraint FC	36
311.328	Altering operator's license or ID card	4	565.130	False imprisonment MA/FD	9
311.329	Possessing altered operator's license or ID card	4	565.150	Interfering with Custody	12
311.550	Sale of liquor without a license	1	565.153	Parental Kidnapping	22
311.880	Sale of alcohol to minor	2	565.156	Child abduction	8
312.407	Possess of non-intoxicating liquor by minor	10	565.165	Assisting in child abduction or kidnapping	0
313.817	Presenting false ID to enter gaming est.	9	565.180	Elder abuse FD	7
367.045	Failure to repay pawnbroker MB	1	565.182	Elder abuse SD	0
407.020	Unlawful merchandising practices	1	565.184	Elder abuse TD	5
407.536	Odometer fraud FD	0	565.188	False report of elder abuse	0
407.933	Possession of cigarettes by a minor	6	565.225	Aggravated stalking	60
454.440	Failing to complete an information statement	7	565.225	Stalking	0
455.085	Violation of a protective order	669	565.253	Invasion of privacy	5
455.538	Violation of an order of child protection	12	566.030	Rape FA/B	174
468.350	As ownr oper/auth another to op	0	566.032	Statutory rape FD	154
476.110	Criminal contempt of court	13	566.034	Statutory rape SD	115
542.400	Illegal wire tapping	0	566.040	Sexual assault 1st FA/B	25
544.665	Failure to appear	114	566.050	Sexual assault 2nd FC/D	7
548.131	Fugitive from justice	338	566.060	Sodomy FA/B	81
557.035	Hate crime C/D Fel	4	566.062	Statutory sodomy 1st Dgr	230
557.036	Persistent offender	0	566.064	Statutory sodomy 2nd Dgr	42
558.016	Persistent misdemeanor offender	1	566.067	Child molestation 1st Dgr	147
562.036	Possessing controlled substance w/intent to	76	566.068	Child molestation 2nd Dgr	29
564.011	Attempt to commit an offense	319	566.070	Deviate sexual assault 1st FB/C	24
564.016	Conspiracy FB	74	566.080	Deviate sexual assault 2nd FC/D	1
565.020	Murder 1st FA	150	566.083	Sexual misconduct involving a child	10
565.021	Murder 2nd FA	144	566.090	Sexual misconduct MA	103
565.023	Voluntary manslaughter FB	1	566.093	Sexual misconduct 2nd Dgr	77
565.024	Involuntary manslaughter FC	39	566.095	Sexual misconduct 3rd Dgr	10
565.050	Assault 1st FA/B	600	566.100	Sexual abuse 1st FC/D	30

FY2002 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY02 Cases	Charge Code	Description	FY02 Cases
566.110	Sexual abuse 2nd MA/FD	4	570.030	Stealing FC/MA	4,991
566.120	Sexual abuse 3rd MA	1	570.033	Stealing animals	15
566.130	Indecent exposure MA	1	570.040	Stealing 3rd Offense FC	196
566.625	Failure to register as a sex offender	13	570.080	Receiving stolen property MA/FC	971
567.020	Prostitution MB	48	570.085	Alteration or removal of item numbers FD/MB	2
567.030	Patronizing prostitution MB	0	570.090	Forgery FC	2,462
567.050	Promoting prostitution 1st FB	1	570.100	Possession of a forgery instrumentality FC	5
567.060	Promoting prostitution 2nd FC	1	570.103	Counterfeiting 1000 or more	0
567.070	Promoting prostitution 3rd FD	2	570.110	Issuing a false instrument or certificate MA	2
568.010	Bigamy MA	0	570.120	Passing bad check MA/FD	5,229
568.020	Incest FD	7	570.125	Fraudulent stop payment on an instrument MA/FD	32
568.030	Abandonment of a child 1st FB	1	570.130	Fraudulent use of a credit device MA/FD	277
568.032	Abandonment of a child 2nd FD	1	570.140	Financial exploitation of elderly or disabled	2
568.040	Criminal nonsupport MA/FD	3,063	570.150	Commercial bribery MA	0
568.045	Endangering welfare of a child 1st Dgr	345	570.155	Sports bribery FEL/MIS	0
568.050	Endangering welfare of a child MA	268	570.160	False advertising MA	0
568.060	Abuse of a child FB/C	137	570.170	Bait advertising MA	0
568.070	Unlawful transactions with a child MB	0	570.180	Defrauding secured creditors MA/FD	14
568.080	Using a child in a sexual performance FB/C	3	570.190	Telephone service fraud MA	1
568.090	Promoting sexual performance by a child FC	1	570.210	Library theft FC/MC	2
568.110	Processor failure to report MB	0	570.217	Misapplication of funds of financial institution FC/MC	0
568.175	Trafficking in children FC	0	570.219	False entries in records of a financial institution FC	0
569.020	Robbery 1st FA	884	570.220	Check kiting FC	4
569.025	Pharmacy robbery 1st FA	0	570.223	Identity Theft	5
569.030	Robbery 2nd FB	471	570.300	Theft of cable television service FA/MC	13
569.035	Pharmacy robbery 2nd FB	0	571.015	Armed criminal action	26
569.040	Arson 1st FB	47	571.020	Possess/transport/sale of certain weapons FC/MC	52
569.050	Arson 2nd FC	76	571.030	Unlawful use of weapons FD/MB	1,344
569.055	Knowingly burning or exploding FD	50	571.045	Defacing firearm MA	2
569.060	Reckless burning or exploding MA	2	571.050	Possession of a defaced firearm MB	2
569.065	Negligent burning or exploding MB	2	571.060	Unlawful transfer of weapons FD/MA	0
569.070	Catastrophe FA	0	571.070	Possession of a concealable firearm FC	14
569.080	Tampering 1st FC	2,261	571.080	Transfer of concealable firearms w/out permit MA	2
569.085	Unlawful endangerment of property FC	0	571.090	Permit to acquire concealable weapons MA	0
569.090	Tampering 2nd MA/FD	364	571.150	Use or possession of metal-penetrating bullet FB	0
569.095	Tampering with intellectual property MA/FD	0	572.020	Gambling MB	5
569.097	Tampering with computer equipment FC/D	1	572.030	Promoting gambling FD	0
569.099	Tampering with computer users MA/FD	0	572.040	Promoting gambling 2nd MA	1
569.100	Property damage 1st FD	366	572.050	Possession of gambling records 1st FD	0
569.120	Property damage 2nd MB	550	572.060	Possession of gambling records 2nd MA	0
569.140	Trespass 1st MB	538	572.070	Possession of a gambling device MA	1
569.150	Trespass SD	46	572.080	Lottery offenses	0
569.160	Burglary 1st FB	777	573.020	Promoting obscenity 1st FD	1
569.170	Burglary 2nd FC	2,848	573.023	Sexual Exploitation of a Minor	4
569.180	Possession of burglar's tools FD	27	573.025	Promoting child pornography 1st FB	3

FY2002 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY02 Cases	Charge Code	Description	FY02 Cases
573.030	Promoting obscenity 2nd MA	2	576.020	Public servant acceding to corruption FD	0
573.035	Promoting child pornography 2nd FD	1	576.030	Obstructing government operations MB	15
573.037	Possession of child pornography	9	576.040	Official misconduct MA	0
573.040	Furnishing pornographic material to a minor	7	576.050	Misuse of official information MA	0
573.060	Public display of explicit sexual material MA	1	576.060	Failure to give a tax list	0
573.065	Coercing acceptance of obscene materials	0	576.070	Treason FA	0
574.010	Peace disturbance	156	577.005	Vehicular manslaughter	0
574.020	Private peace disturbanceMC	5	577.010	Driving while intoxicated MA/B FD	3,820
574.040	Unlawful assembly MB	1	577.012	Driving w/excessive blood alcohol content MA/C	24
574.050	Rioting MA	0	577.017	Consuming alcoholic beverages in moving MV	13
574.060	Refusal to disperse MC	0	577.023	Driving while intoxicated Second MA, Third FD	75
574.070	Promoting civil disorder 1st FC	0	577.051	Failure to furnish M.U.L.E. records MC	1
574.075	Drunkenness or drinking in prohibited places	2	577.060	Leaving scene of motor vehicle accident MA/FD	444
574.085	Burial descretion	2	577.070	Littering MA	30
574.085	Institutional vandalism	0	577.073	Littering in state parks	0
574.090	Ethnic intimidation FD	0	577.076	Littering with carcasses	0
574.093	Ethnic intimidation SD	2	577.080	Abandoning motor vehicle MA	0
574.115	Making a terrorist threat	8	577.100	Abandonment of airtight containers	0
575.020	Concealing an offense MA	0	577.110	Operating MV while under 16 years of age	1
575.030	Hindering prosecution	71	577.150	Corrupting or diverting water supply	0
575.040	Perjury FA/B/C/D	7	577.155	Prohibition of waste disposal wells	0
575.050	False affidavit MA/C	8	577.161	Can't prohibit disabled lifeJackets in pool	0
575.060	False declarations MB	25	577.600	Failure to use ordered ignition interlock device	9
575.080	False reports MB	69	578.009	Animal neglect MA	16
575.090	False bomb report D-fel	18	578.012	Animal abuse	62
575.100	Tampering with physical evidence	14	578.025	Dog fighting MA/FD	3
575.110	Tampering with public records	0	578.027	Dog baiting MA	0
575.120	False impersonation	7	578.050	Bullbaiting and cockfighting MA	0
575.130	Simulating legal process	2	578.150	Failure to return rented personal property MA/FD	271
575.150	Resis.Interf. w/Arr. FD/MA	515	578.154	Possession of Anhydrous Ammonia	28
575.160	Interf. w/Legal Process MB	4	578.250	Inhaling/ inducing others to inhale fumes MB	20
575.195	Escape from commitment FD	5	578.255	Induce or possess w/intent to induce intoxication	4
575.200	Escape/attempt escape from custody MA FA	47	578.260	Possess/purchase solvents to aid others MB	0
575.210	Escape/attempt escape from confinement FA	46	578.365	Hazing	0
575.220	Failure to return to confinement MA/FC	15	578.377	Unlawful receipt of food stamps MA/FD	3
575.230	Aiding escape of a prisoner FB/D MA	4	578.379	Unlawful conversion of food stamps MA/FD	0
575.240	Permitting escape	0	578.381	Unlawful transfer of food stamps MA/FD	0
575.250	Disturbing judicial proceeding	0	578.395	Ticket scalping	0
575.260	Tampering with judicial process	3	578.423	Knowingly participating in street gang activity MA	0
575.270	Tampering with a witness FC/MA	54	578.425	Promoting or assisting gang conduct MA	0
575.280	Official acceding to corruption	0	578.433	Maintaining public nuisance	0
575.290	Improper communication	0	578.445	Possession tools to break into vending mach	1
575.300	Juror misconduct	0	589.414	Failure to register as a sex offender	31
575.310	Misconduct in selecting or summoning juror	0	602.300	Unlawfully possessing a tobacco product	0
575.320	Misconduct in administration of justice	0	632.480	Sexually violent predator	0
575.35	Killing or Disabling a Police Animal	0	701.057	Construction of on-site sewage disposal system	0
576.010	Bribery of a public servant FD	3	999.999	Witness Only	7

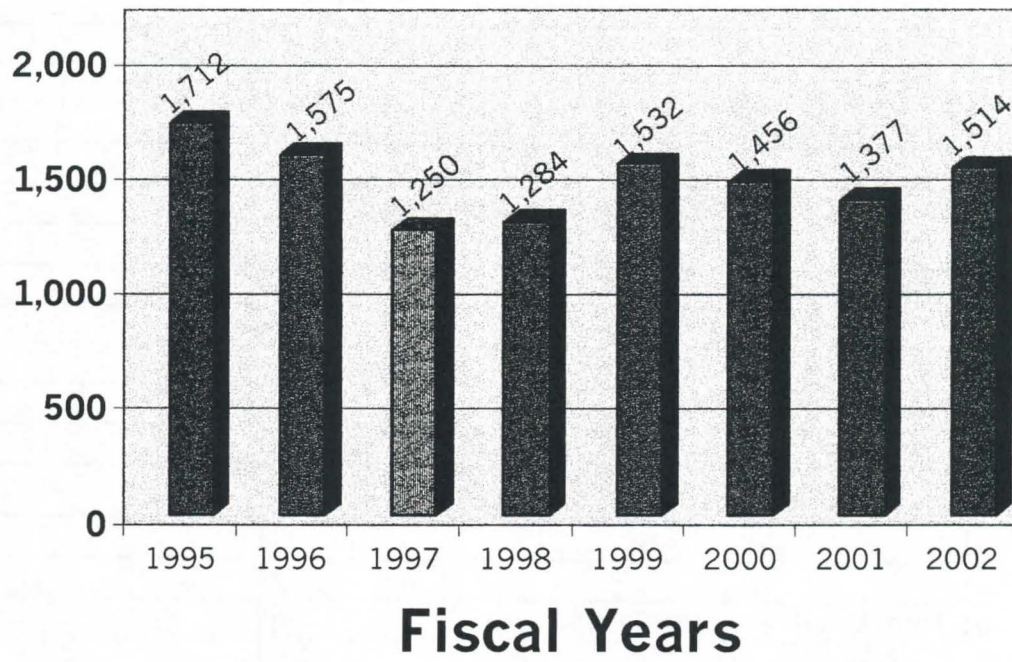
**FY2002
CONFLICT ASSIGNMENTS
by Case Type**

Code	Description	# of Cases Assigned
10	Murder – Death Penalty	2
15	Murder – 1 st Degree	12
20	Other Homicide	7
30	A-B Felony	146
35	C-D Felony	218
40	Misdemeanor	55
45	Misdemeanor—Traffic	9
52	Juvenile	9
54	Post Conviction Relief – Rule 24	4
59	Post Conviction Relief – Rule 29	11
60	Chapter 552	0
65	Probation Violation	30
80	Appeal	5
82	Direct Appeal	2
	Total Conflict Assignments	510

FY2002
APPELLATE DIVISION CASELOAD
Cases Opened and Closed

	Central Columbia		Eastern St. Louis		Western Kansas City		Totals
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
Death PCR							
Opened	3	2	1	2	1	0	9
Closed	2	1	2	0	1	0	6
Felony Appeals							
Opened	212	8	45	57	30	22	374
Closed	177	6	46	34	33	41	337
PCR Appeals							
Opened	88	57	57	60	47	44	353
Closed	74	64	50	55	45	44	332
PCR Trials							
Opened	0	293	141	137	107	100	778
Closed	0	324	90	80	95	51	638
Appellate Division Totals							
Opened	303	360	244	256	185	166	1,514
Closed	253	393	188	169	174	136	1,313
Totals							
Opened	663		500		351		1,514
Closed	646		357		310		1,313
	Central Columbia		Eastern St. Louis		Western Kansas City		

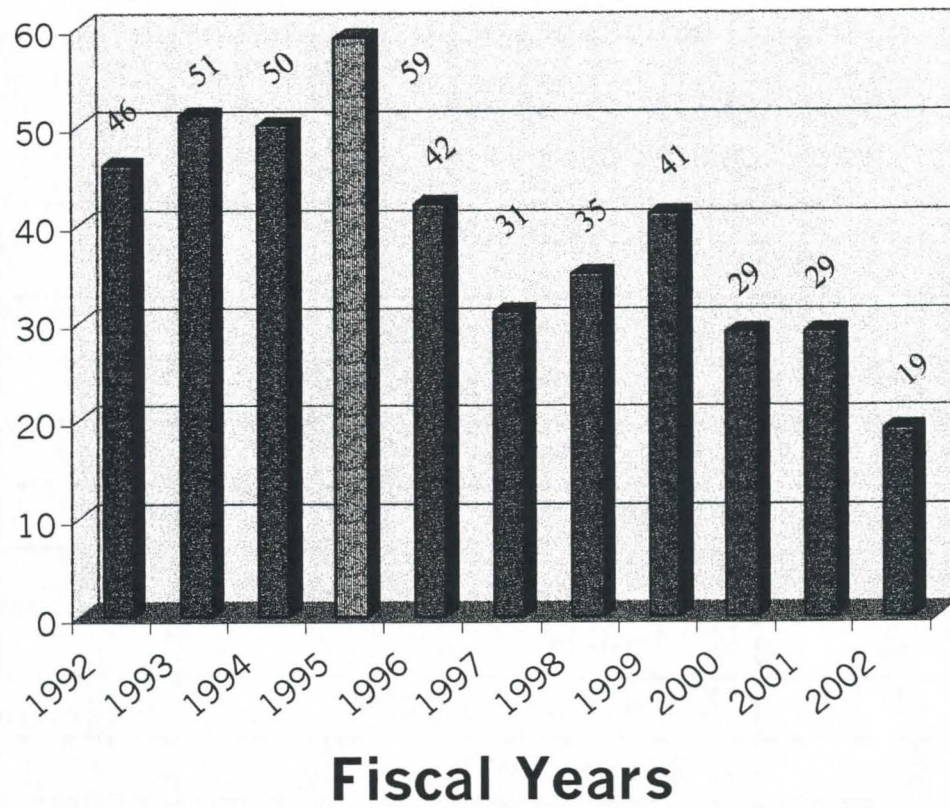
Number of Appellate Cases



FY2002 CAPITAL DIVISION Death Penalty Caseload			
	Opened	Closed	Current
Central Office—Columbia			
Trials	2	5	10
Appeals	3	3	5
Totals	5	8	15
Eastern Office—St. Louis City			
Trials	7	15	13
Appeals	3	2	4
Totals	10	17	17
Western Office—Kansas City			
Trials	2	3	7
Appeals	2	0	3
Totals	4	3	10
Total Death Penalty Cases			
Trials	11	23	30
Appeals	8	5	12
Totals	19	28	42

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeals of death penalty cases assist the Capital Division Trial staff in trial preparation.

Number of Death Penalty Cases



Cases Closed

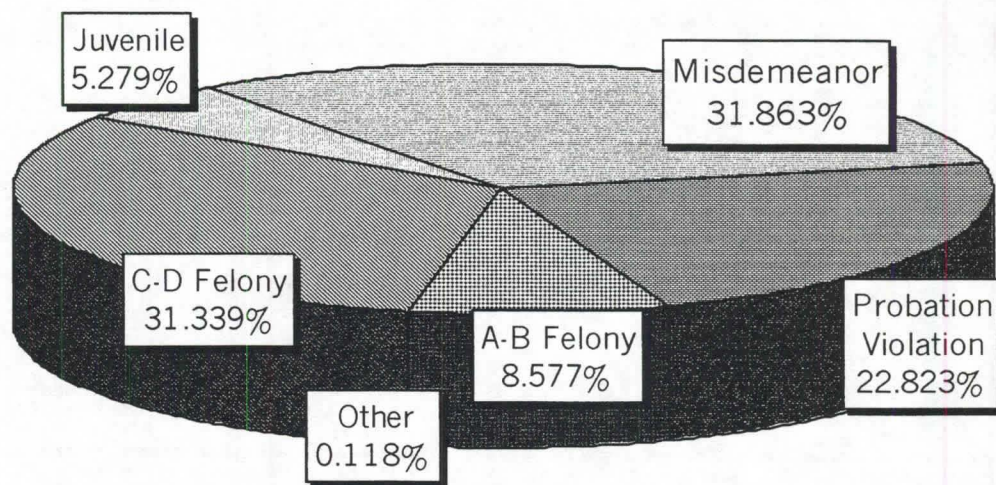
The State Public Defender System's Trial Division closed 75,314 cases in Fiscal Year 2002. This number is 93.8% of the of cases opened.

FY 2002 TRIAL DIVISION Closed Cases by Case Type		
	Description	# of Cases Represented
10	Murder – Death Penalty	0
15	Murder – 1 st Degree	121
20	Other Homicide	106
30	A-B Felony	6,233
35	C-D Felony	23,603
40	Misdemeanor	18,977
45	Misdemeanor – Traffic	5,020
50	Juvenile – Status	864
52	Juvenile – Criminal	3,112
54	Post Conviction Relief/Rule 24 & Rule	1
60	Chapter 552	58
61	Sexual Predator Hearings & Trials	2
65	Probation Violation	17,189
75	Writ	20
80	Appeal	6
82	Direct Appeal	4
	Total Trial Division Closed Cases	75,314

TRIAL DIVISION CASE DISPOSITIONS
SIX FISCAL YEAR COMPARISONS - FY97 to FY2002
BY DISTRICT

District #	District Name	FY97 Cases	FY98 Cases	# Change	% Change	FY99 Cases	# Change	% Change	FY00 Cases	# Change	% Change	FY01 Cases	# Change	% Change	FY02 Cases	# Change	% Change	# Change	% Change
		Disposed	Disposed	97 to 98	97 to 98	Disposed	98 to 99	98 to 99	Disposed	99 to 00	99 to 00	Disposed	00 to 01	00 to 01	Disposed	01 to 02	01 to 02	97 to 2002	97 to 2002
1	St. Louis Juvenile	1,880	1,445	-435	-23%	1,412	-33	-2%	1,619	207	15%	1,587	-32	-2%	1,358	-229	-17%	-522	-38%
2	Kirksville	416	351	-65	-16%	429	78	22%	429	0	0%	478	49	11%	523	45	9%	107	20%
4	Maryville	529	586	57	11%	583	-3	-1%	370	-213	-37%	414	44	12%	633	219	35%	104	16%
5	St. Joseph	1,625	1,903	278	17%	2,076	173	9%	2,102	26	1%	2,237	135	6%	2,149	-88	-4%	524	24%
6	Kansas City Juvenile											326	326	*	935	609	65%	935	
7	Liberty	2,065	2,634	569	28%	3,023	389	15%	3,026	3	0%	3,243	217	7%	3,134	-109	-3%	1,069	34%
10	Hannibal	854	1,156	302	35%	1,019	-137	-12%	1,032	13	1%	1,276	244	24%	1,285	9	1%	431	34%
11	St. Charles	1,869	2,033	164	9%	1,913	-120	-6%	1,669	-244	-13%	1,702	33	2%	1,905	203	11%	36	2%
12	Fulton	1,679	1,703	24	1%	1,586	-117	-7%	1,540	-46	-3%	1,537	-3	0%	1,551	14	1%	-128	-8%
13	Columbia	1,874	3,187	1,313	70%	4,041	854	27%	3,642	-399	-10%	3,677	35	1%	3,941	264	7%	2,067	52%
14	Moberly	653	1,015	362	55%	1,212	197	19%	1,183	-29	-2%	1,042	-141	-12%	1,099	57	5%	446	41%
15	Sedalia	1,753	1,696	-57	-3%	1,702	6	0%	1,510	-192	-11%	1,393	-117	-8%	1,480	87	6%	-273	-18%
16	Kansas City	9,054	8,572	-482	-5%	8,604	32	0%	8,529	-75	-1%	8,134	-395	-5%	7,236	-898	-12%	-1,818	-25%
17	Harrisonville	2,034	2,600	566	28%	2,907	307	12%	2,265	-642	-22%	2,471	206	9%	2,345	-126	-5%	311	13%
19	Jefferson City	797	1,163	366	46%	1,378	215	18%	1,097	-281	-20%	1,388	291	27%	1,154	-234	-20%	357	31%
20	Union	1,355	1,241	-114	-8%	1,447	206	17%	1,414	-33	-2%	1,480	66	5%	1,750	270	15%	395	23%
21	St. Louis County	4,680	4,054	-626	-13%	4,651	597	15%	3,289	-1,362	-29%	3,082	-207	-6%	3,193	111	3%	-1,487	-47%
22	St. Louis City	8,572	8,322	-250	-3%	7,777	-545	-7%	6,979	-798	-10%	6,842	-137	-2%	6,854	12	0%	-1,718	-25%
23	Hillsboro	1,404	1,241	-163	-12%	1,214	-27	-2%	1,242	28	2%	1,234	-8	-1%	1,551	317	20%	147	9%
24	Farmington	1,657	1,533	-124	-7%	1,663	130	8%	1,969	306	18%	1,787	-182	-9%	1,876	89	5%	219	12%
25	Rolla	2,040	1,984	-56	-3%	2,116	132	7%	2,155	39	2%	2,416	261	12%	2,922	506	17%	882	30%
26	Lebanon	1,470	1,755	285	19%	1,625	-130	-7%	1,878	253	16%	2,325	447	24%	2,263	-62	-3%	793	35%
28	Nevada	805	960	155	19%	979	19	2%	1,005	26	3%	1,151	146	15%	1,228	77	6%	423	34%
29	Carthage	3,214	3,540	326	10%	3,391	-149	-4%	3,201	-190	-6%	2,853	-348	-11%	4,429	1,576	36%	1,215	27%
30	Buffalo	971	1,189	218	22%	1,088	-101	-8%	916	-172	-16%	1,118	202	22%	1,175	57	5%	204	17%
31	Springfield	2,585	2,447	-138	-5%	2,510	63	3%	2,334	-176	-7%	2,839	505	22%	3,201	362	11%	616	19%
32	Cape Girardeau	1,757	2,544	787	45%	2,335	-209	-8%	2,104	-231	-10%	2,674	570	27%	2,420	-254	-10%	663	27%
34	Caruthersville	521	1,275	754	145%	994	-281	-22%	910	-84	-8%	1,085	175	19%	1,105	20	2%	584	53%
35	Kennett	1,333	1,542	209	16%	1,461	-81	-5%	1,591	130	9%	1,719	128	8%	1,678	-41	-2%	345	21%
36	Poplar Bluff	1,040	2,625	1,585	152%	1,492	-1,133	-43%	1,240	-252	-17%	1,549	309	25%	1,490	-59	-4%	450	30%
37	West Plains	534	663	129	24%	644	-19	-3%	812	168	26%	685	-127	-16%	875	190	22%	341	39%
39	Monett	1,623	1,724	101	6%	1,939	215	12%	1,765	-174	-9%	2,050	285	16%	2,151	101	5%	528	25%
43	Chillicothe	1,705	1,784	79	5%	1,767	-17	-1%	1,697	-70	-4%	2,036	339	20%	2,311	275	12%	606	26%
44	Ava	541	547	6	1%	546	-1	0%	434	-112	-21%	489	55	13%	539	50	9%	-2	0%
45	Troy	658	667	9	1%	835	168	25%	783	-52	-6%	874	91	12%	961	87	9%	303	32%
47	Springfield Conflicts	291	498	207	71%	0													
49	St. Louis Conflicts	772	824	52	7%	838	14	2%	583	-255	-30%	694	111	19%	614	-80	-13%	-158	-20%
Total Trial Division Dispositions		66,610	73,003	6,393	10%	73,197	194	0%	68,314	-4,883	-7%	71,887	3,573	5%	75,314	3,427	5%	8,995	12%
		FY1997	FY1998			FY1999			FY2000			FY2001			FY2002			FY97 to FY02	

FY2002 - Trial Division Closed Cases by Case Type

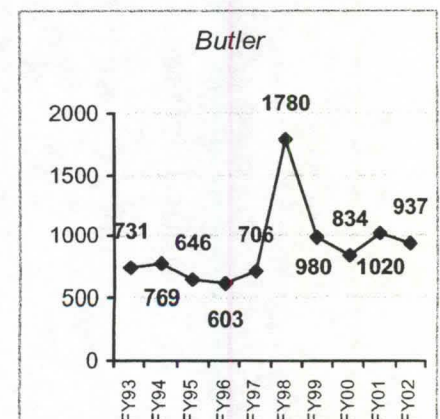
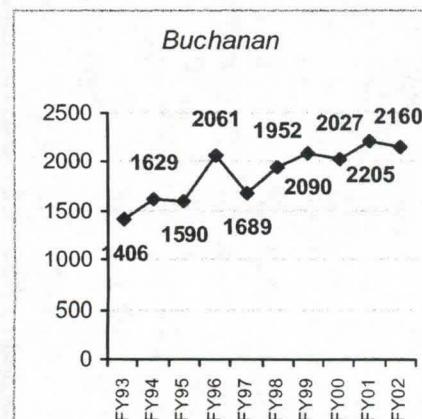
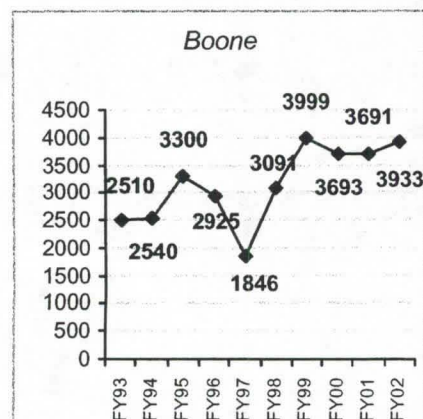
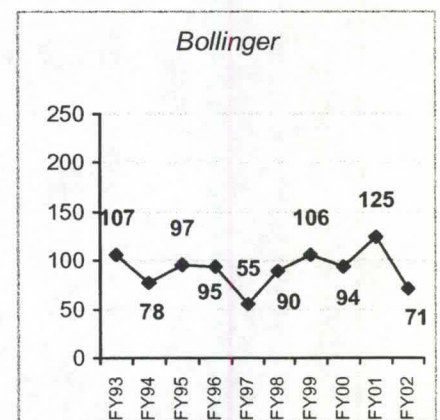
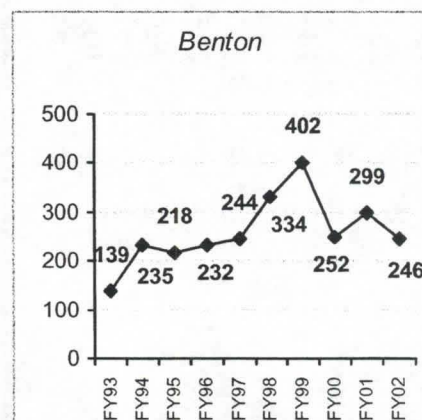
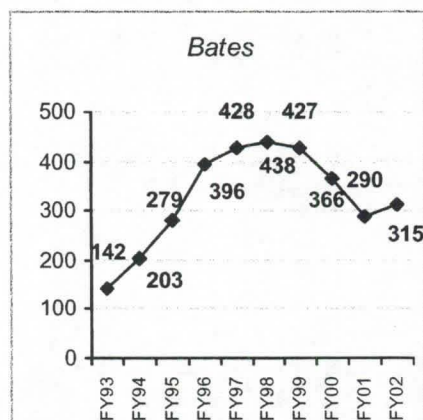
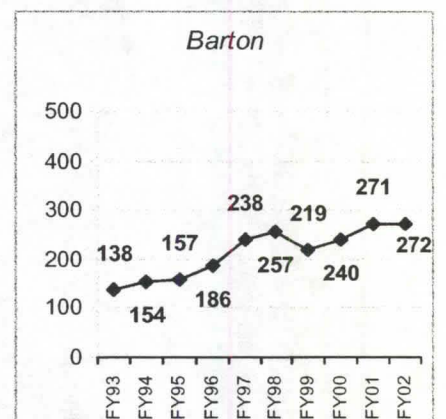
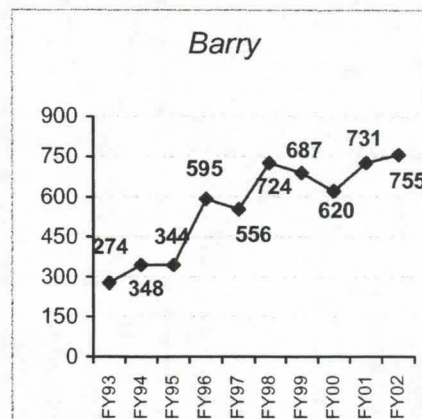
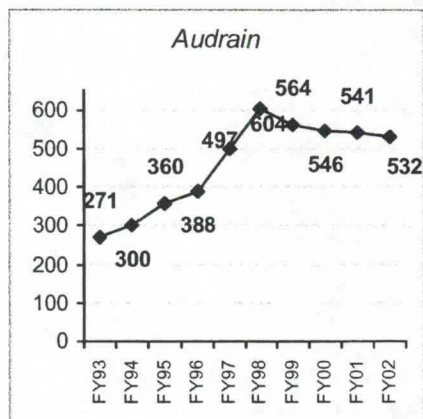
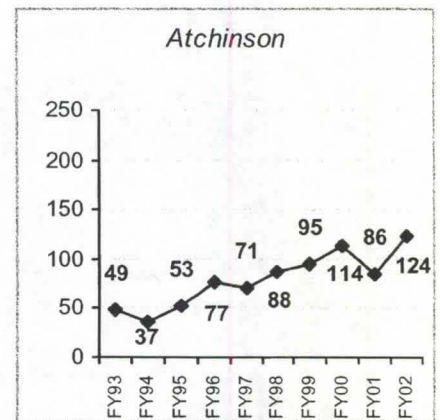
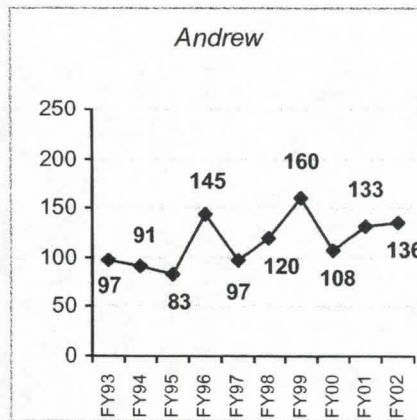
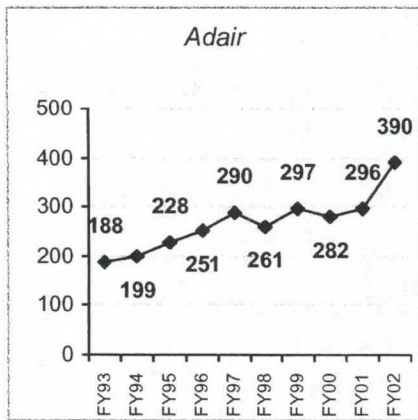


Felony Cases Closed	30,063 or 39.92% of the total caseload
Misdemeanor Cases Closed	23,997 or 31.86% of the total caseload
Probation Violation Cases Closed	17,189 or 22.82% of the total caseload
Juvenile Cases Closed	3,976 or 5.28% of the total caseload

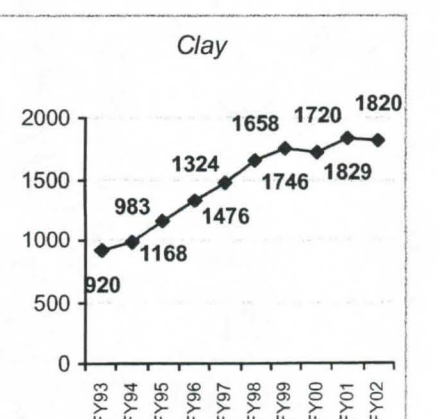
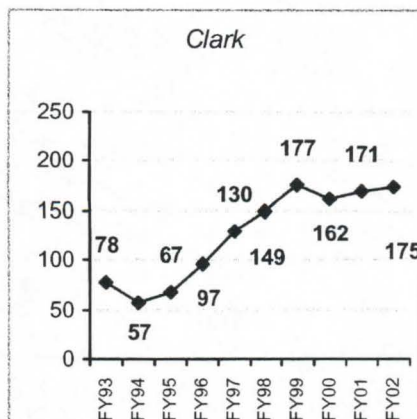
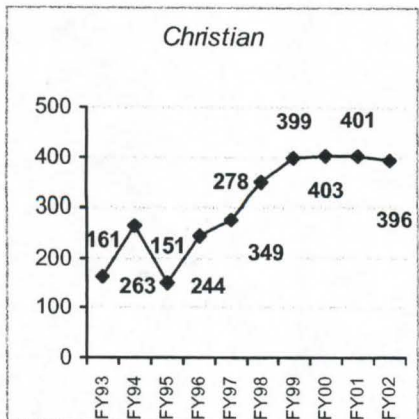
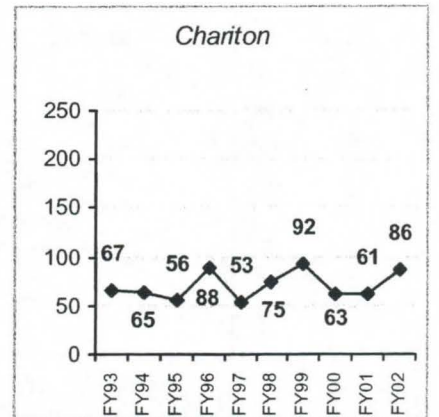
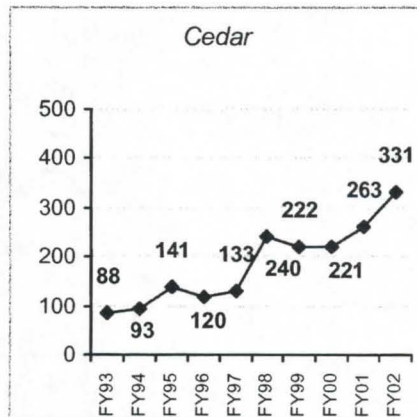
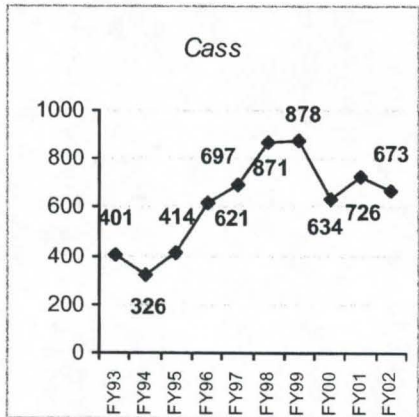
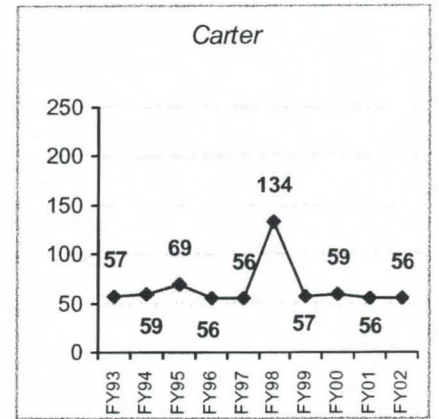
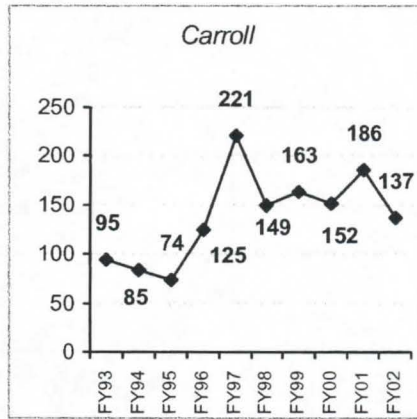
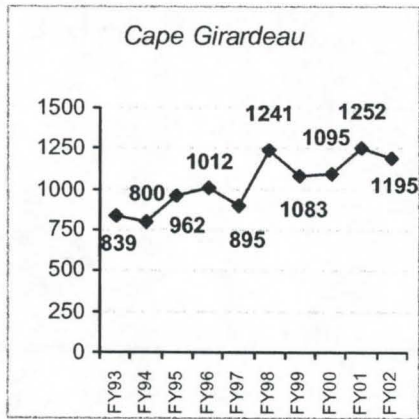
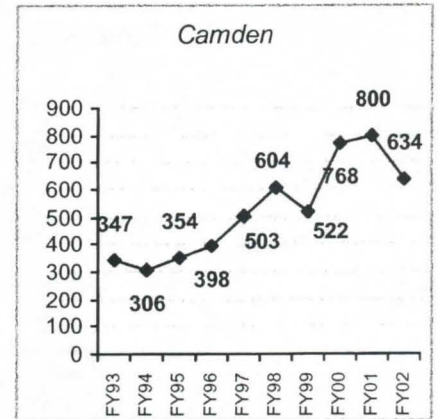
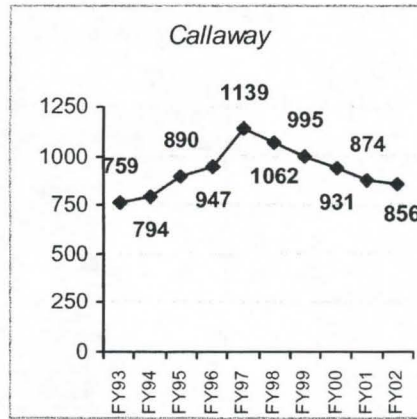
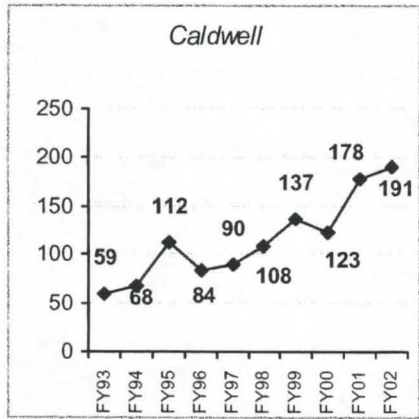
Fiscal Year 2002 - Trial Division Caseload Assigned and Disposed by County

County	FY2002 Assigned	FY2002 Disposed	County	FY2002 Assigned	FY2002 Disposed	County	FY2002 Assigned	FY2002 Disposed	County	FY2002 Assigned	FY2002 Disposed
Adair	437	390	Dallas	249	249	Livingston	356	350	Randolph	548	440
Andrew	129	136	Daviess	258	197	Macon	394	371	Ray	442	425
Atchinson	114	124	DeKalb	239	202	Madison	110	122	Reynolds	77	61
Audrain	521	532	Dent	262	299	Maries	144	132	Ripley	196	199
Barry	852	755	Douglas	187	169	Marion	583	605	Saline	429	403
Barton	261	272	Dunklin	1,041	1,034	McDonald	585	554	Schuyler	28	25
Bates	345	315	Franklin	1,504	1,630	Mercer	68	65	Scotland	55	54
Benton	275	246	Gasconade	212	204	Miller	486	523	Scott	652	618
Bollinger	76	71	Gentry	81	80	Mississippi	400	363	Shannon	125	124
Boone	3,880	3,933	Greene	2,729	2,345	Moniteau	131	108	Shelby	231	208
Buchanan	2,200	2,160	Grundy	259	256	Monroe	116	107	Ste. Genevieve	189	162
Butler	991	937	Harrison	303	303	Montgomery	158	192	Stoddard	732	680
Caldwell	162	191	Henry	659	761	Morgan	341	296	Stone	492	395
Callaway	889	856	Hickory	99	101	New Madrid	454	431	St. Charles	1,700	1,671
Camden	709	634	Holt	80	75	Newton	1,175	1,111	St. Clair	100	124
Cape Girardeau	1,242	1,195	Howard	98	81	Nodaway	144	158	St. Francois	936	872
Carroll	131	137	Howell	774	641	Oregon	146	138	St. Louis City	9,013	8,238
Carter	64	56	Iron	169	167	Osage	94	78	St. Louis Co.	4,370	3,519
Cass	684	673	Jackson	9,542	8,431	Ozark	143	110	Sullivan	77	94
Cedar	339	331	Jasper	2,827	2,862	Pemiscot	687	650	Taney	769	657
Chariton	88	86	Jefferson	1,628	1,583	Perry	203	223	Texas	459	439
Christian	488	396	Johnson	378	342	Pettis	507	484	Vernon	589	537
Clark	174	175	Knox	74	55	Phelps	943	960	Warren	285	261
Clay	1,872	1,820	Laclede	811	756	Pike	241	280	Washington	508	497
Clinton	255	258	Lafayette	459	449	Platte	817	832	Wayne	282	275
Cole	949	967	Lawrence	694	652	Polk	311	316	Webster	275	276
Cooper	189	160	Lewis	110	107	Pulaski	541	460	Worth	31	31
Crawford	708	667	Lincoln	714	706	Putnam	151	157	Wright	248	246
Dade	169	167	Linn	154	137	Ralls	109	93			
										80,163	75,314

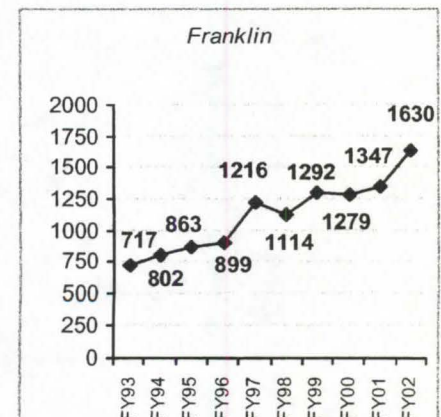
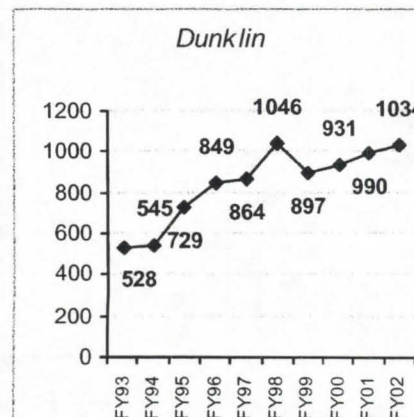
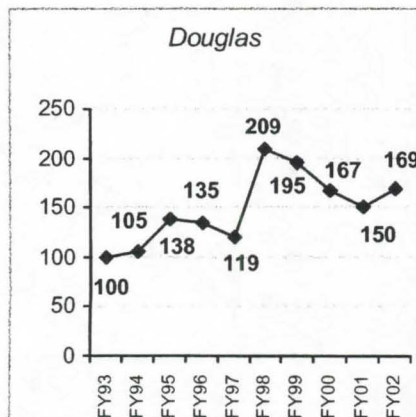
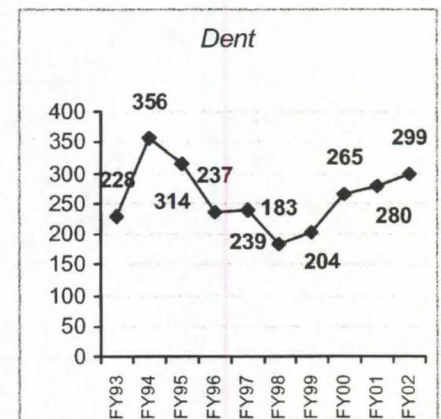
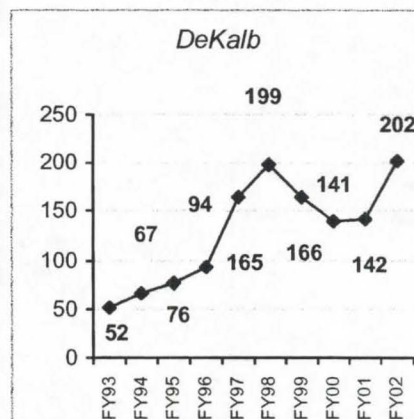
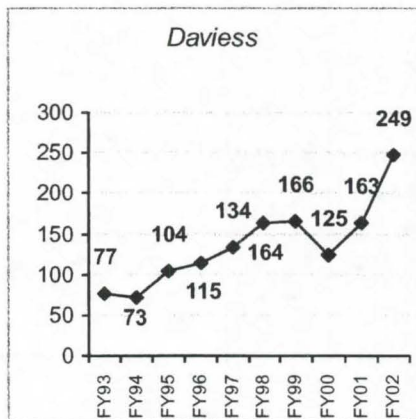
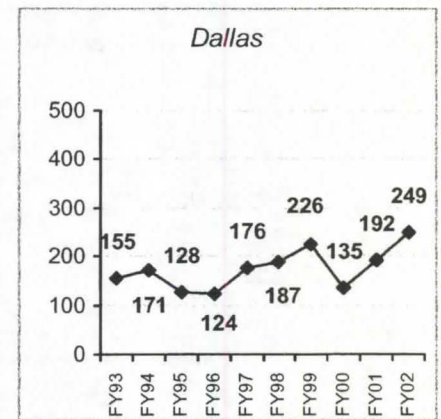
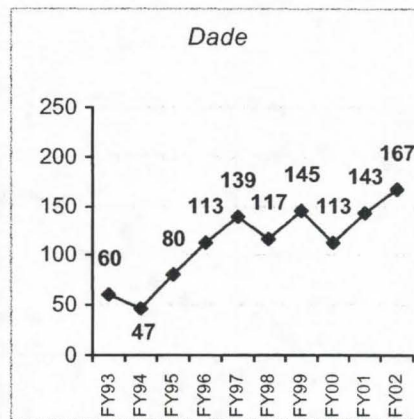
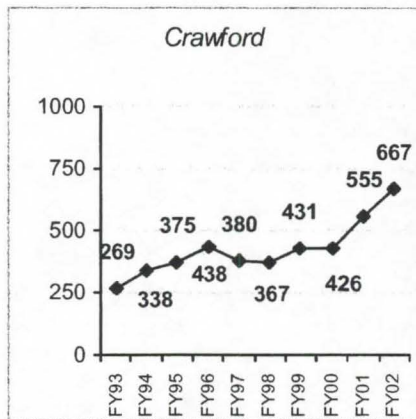
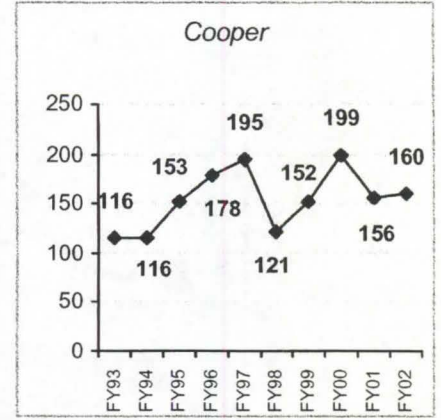
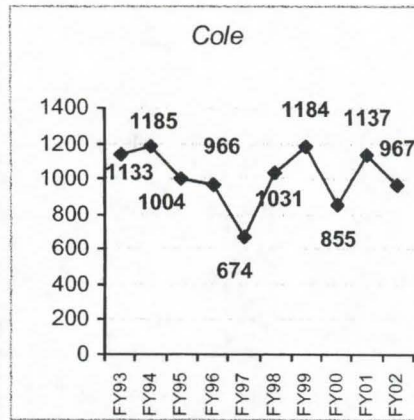
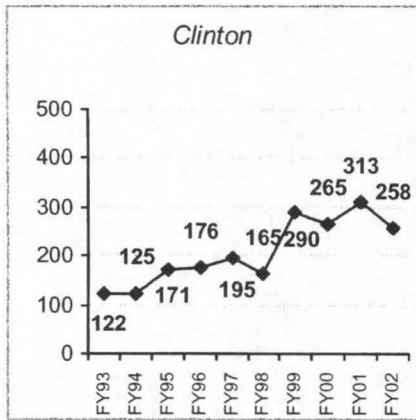
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



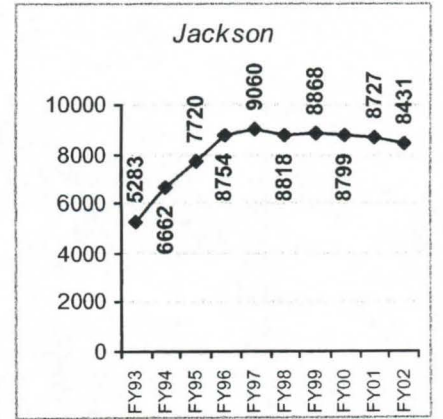
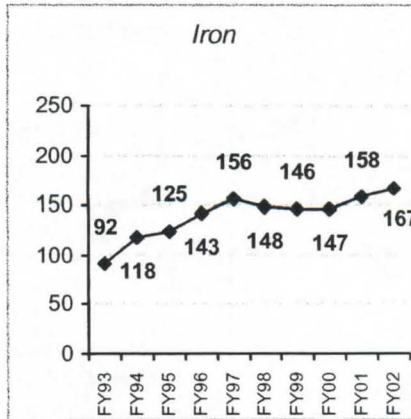
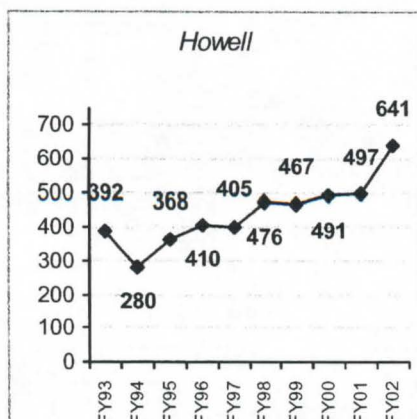
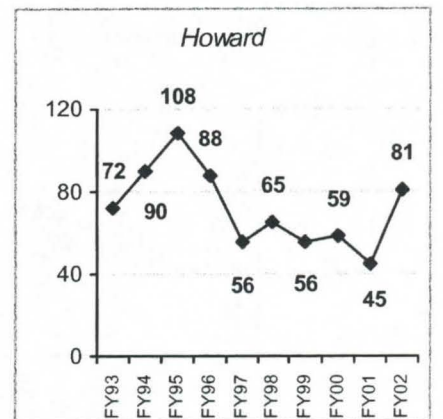
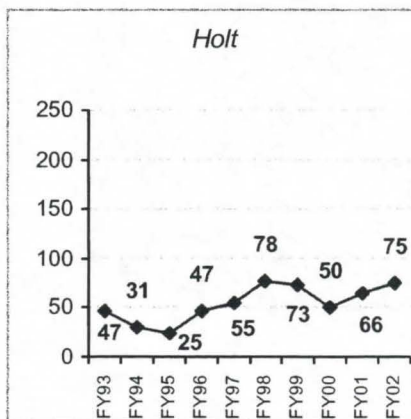
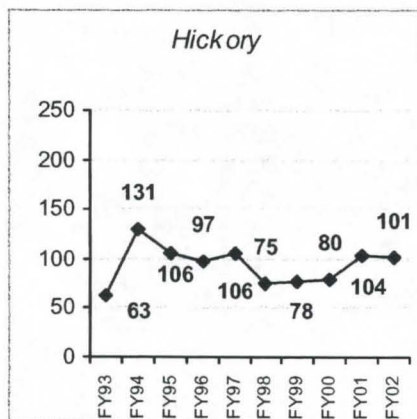
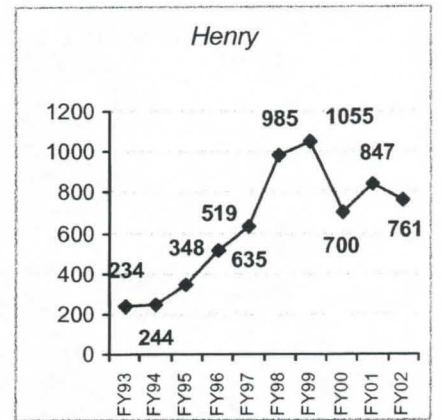
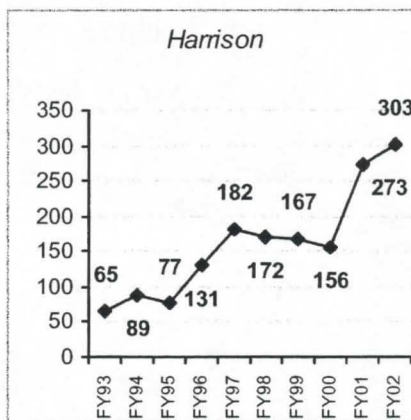
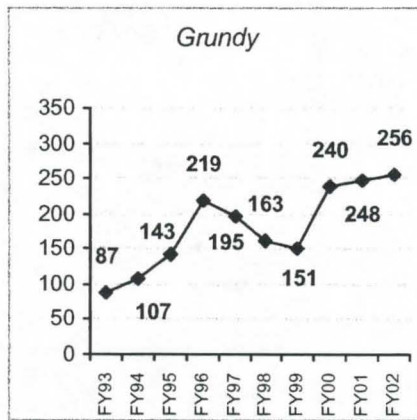
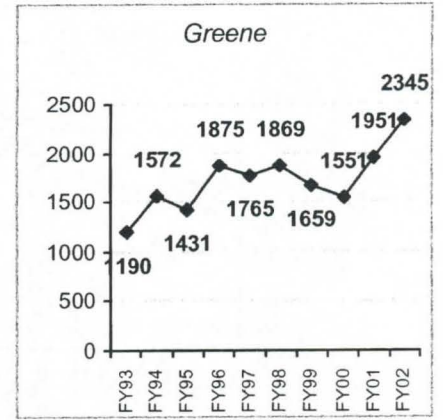
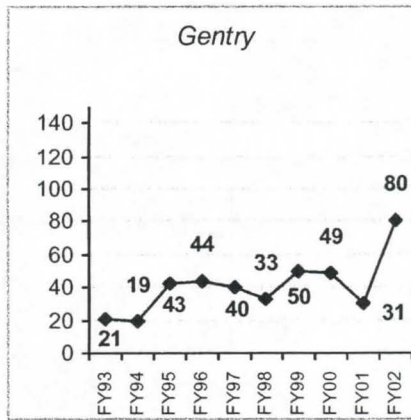
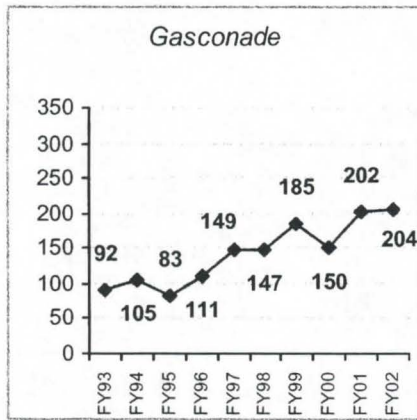
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



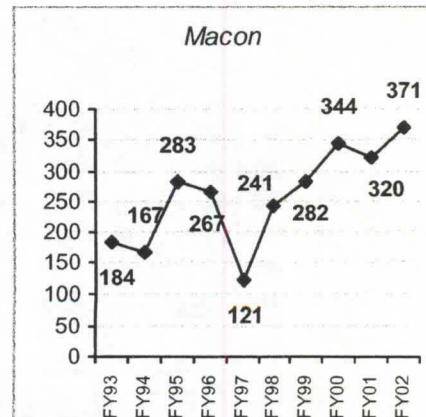
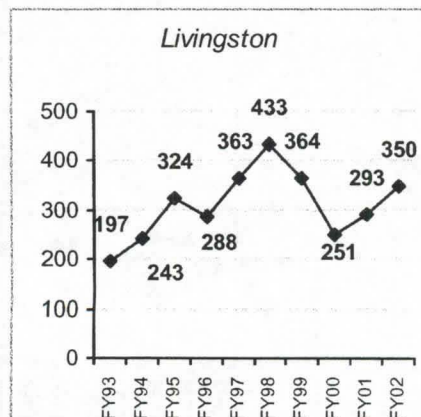
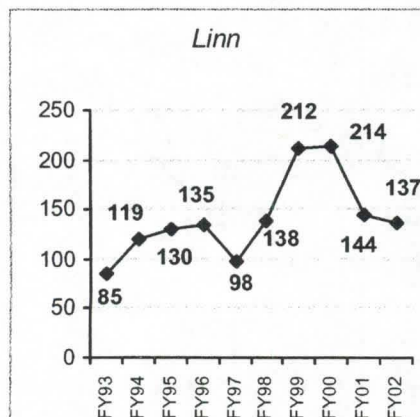
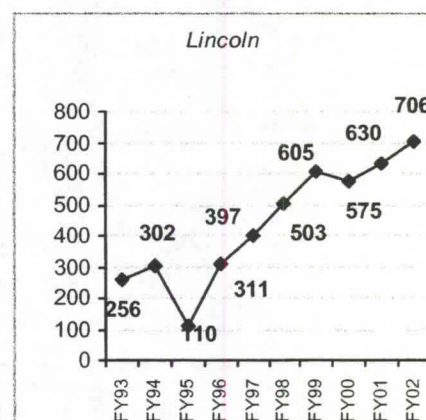
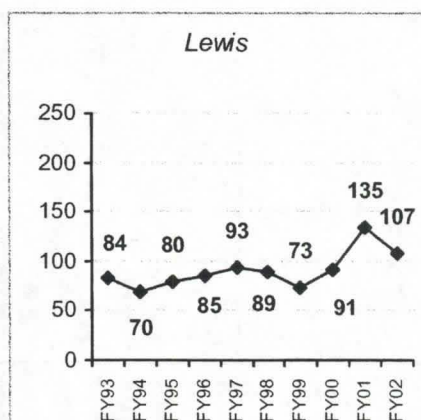
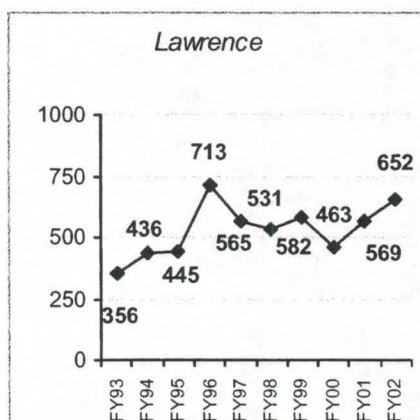
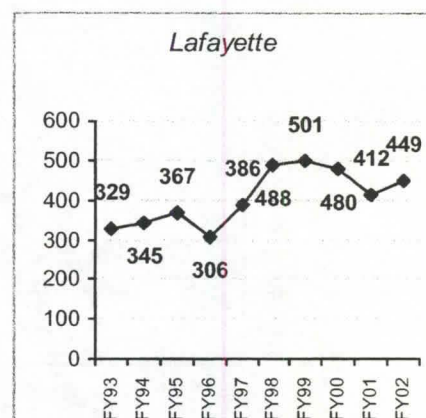
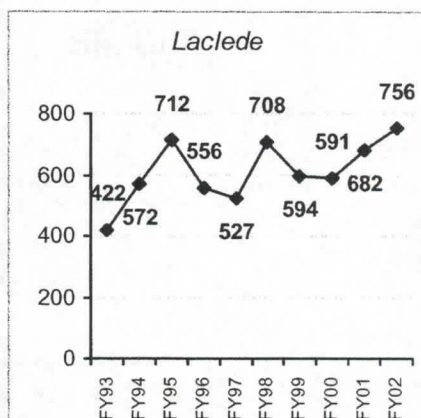
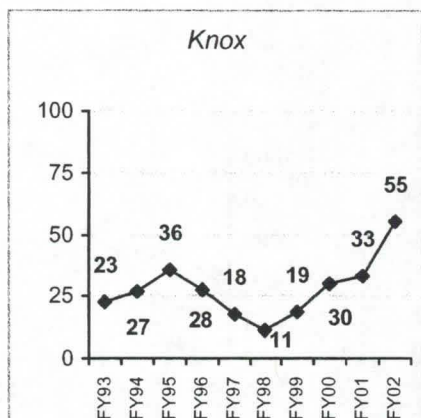
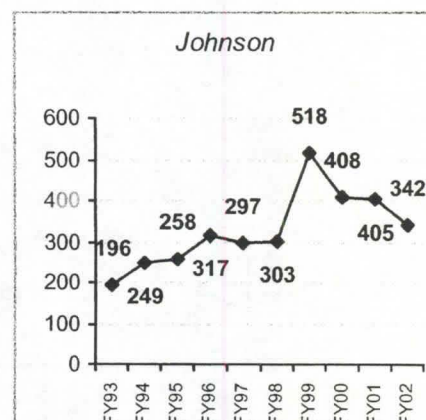
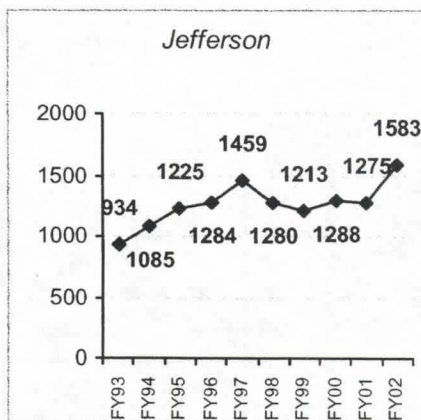
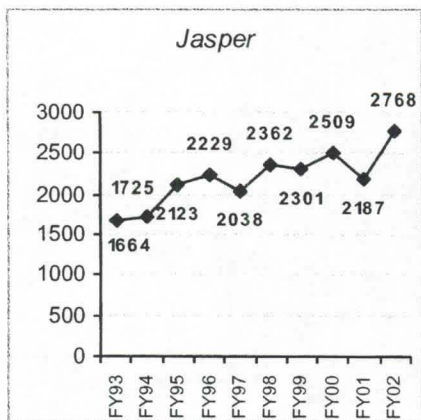
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



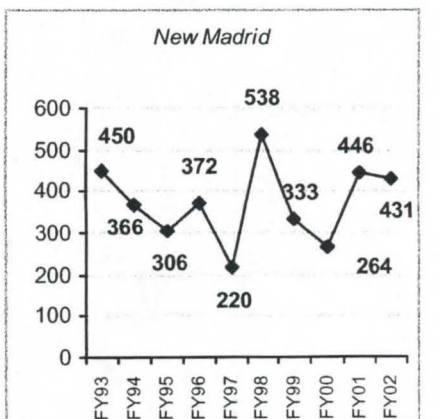
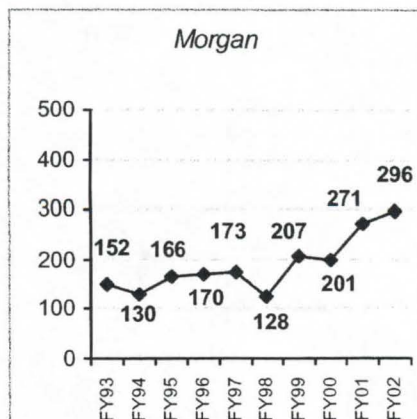
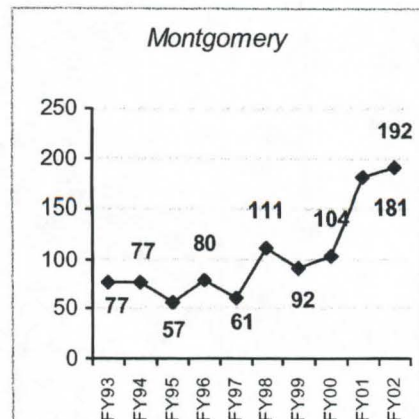
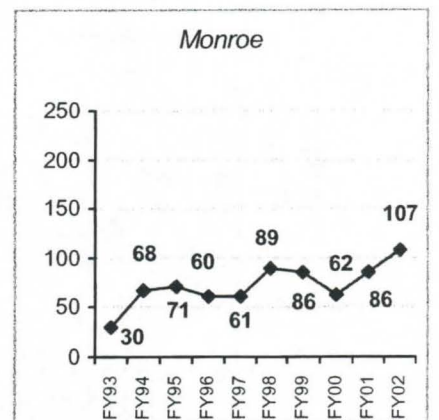
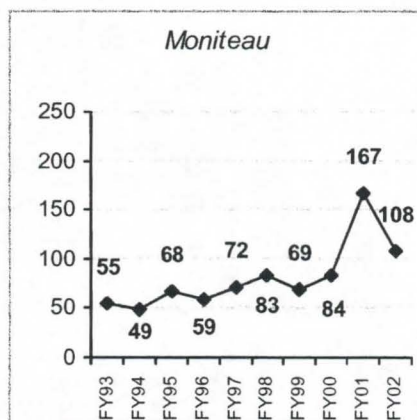
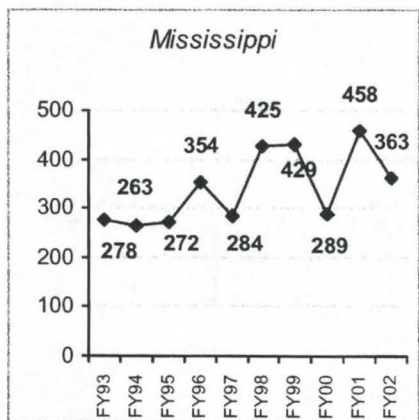
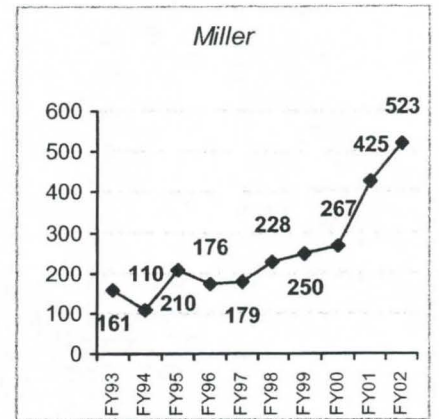
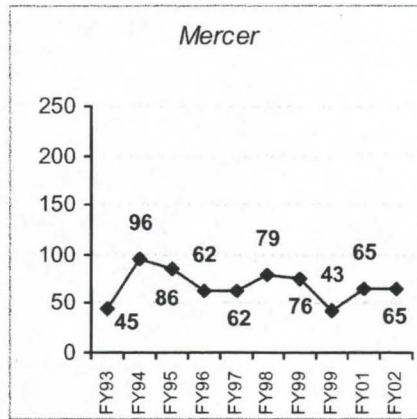
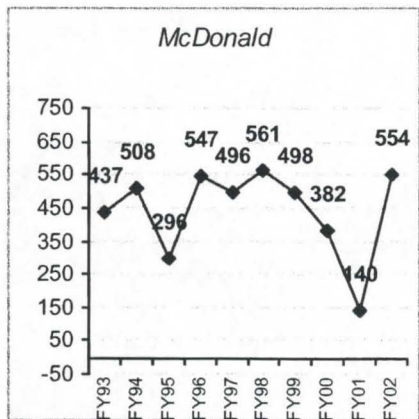
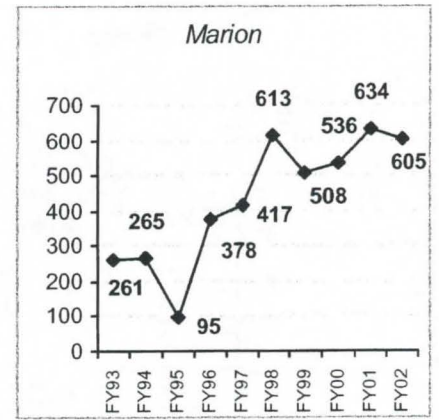
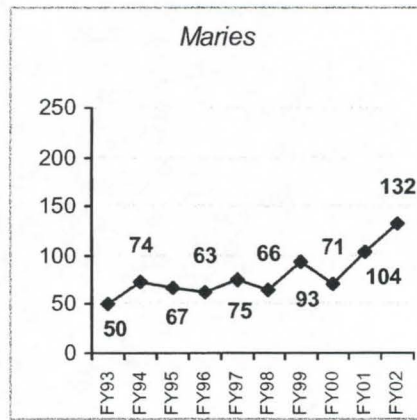
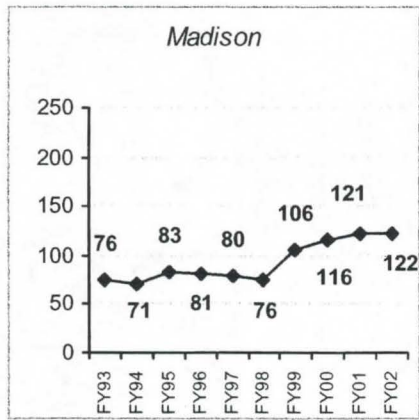
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



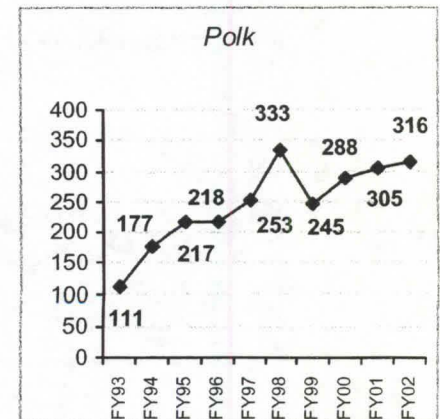
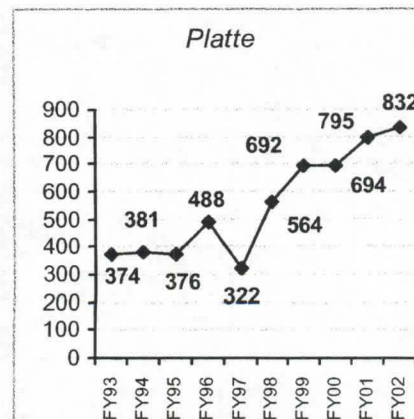
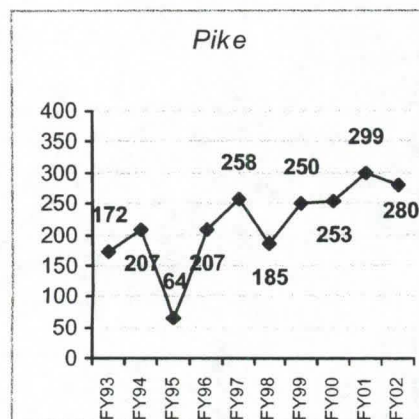
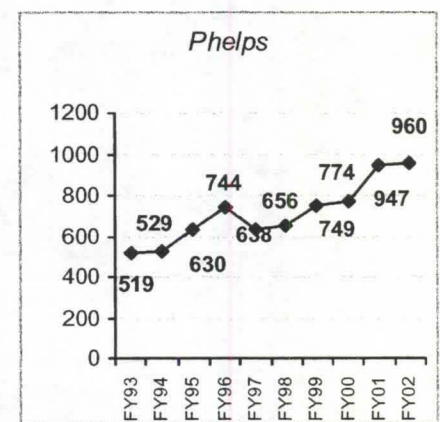
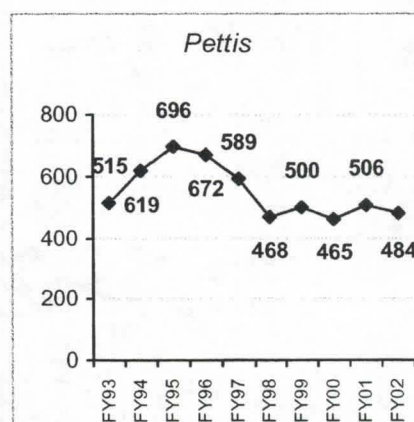
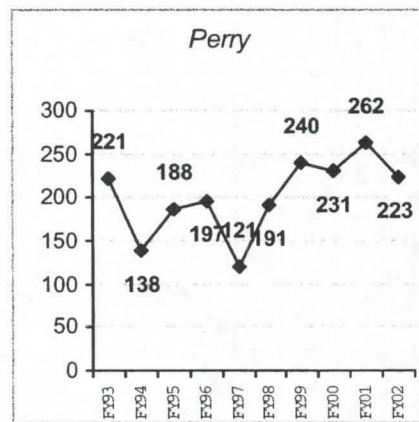
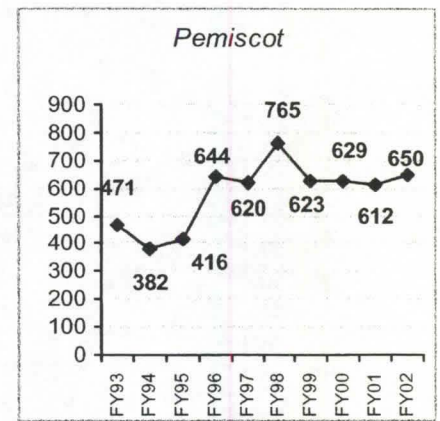
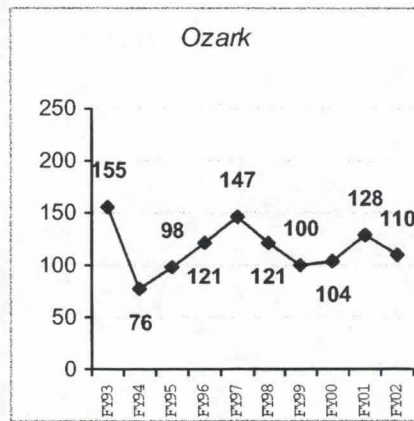
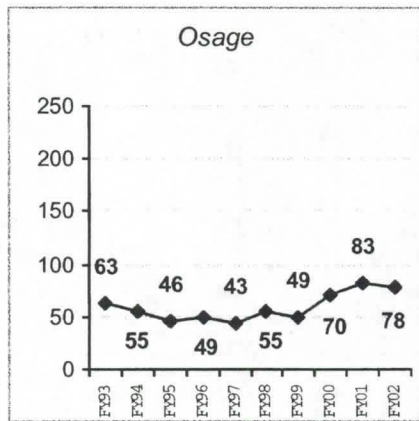
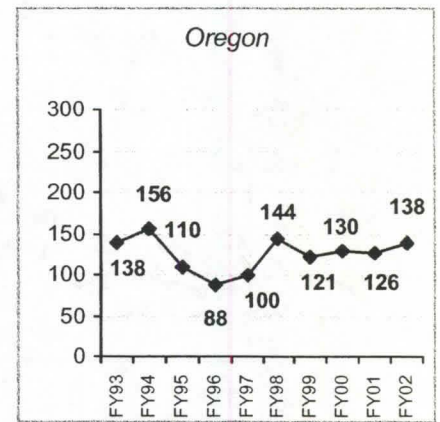
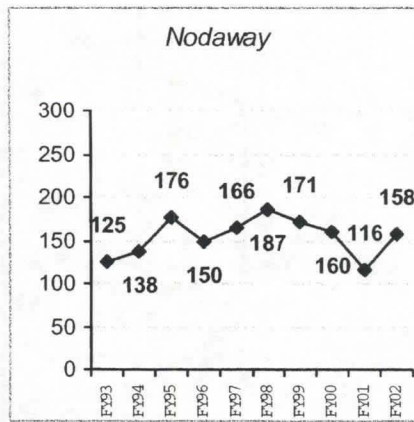
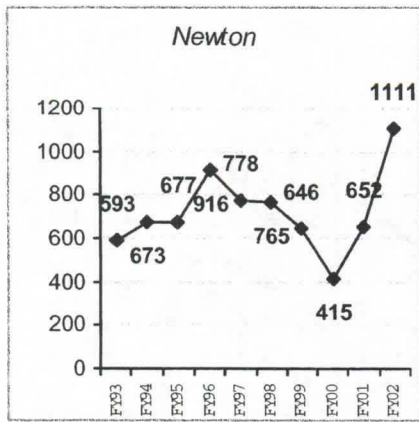
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



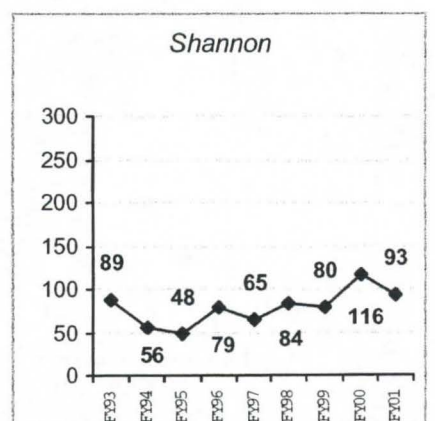
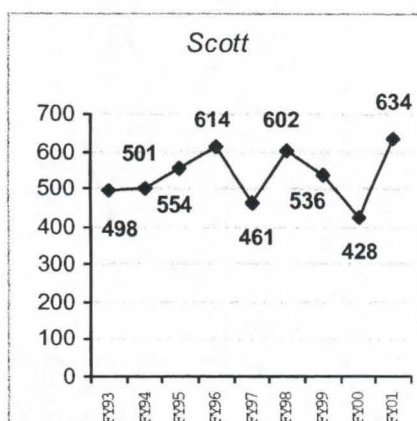
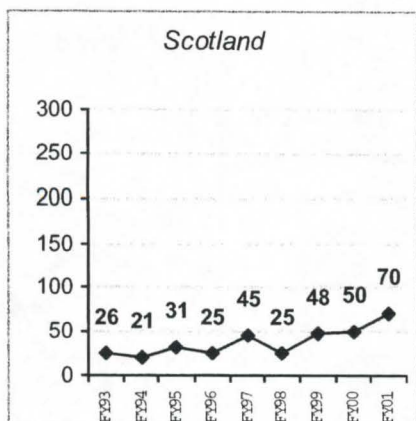
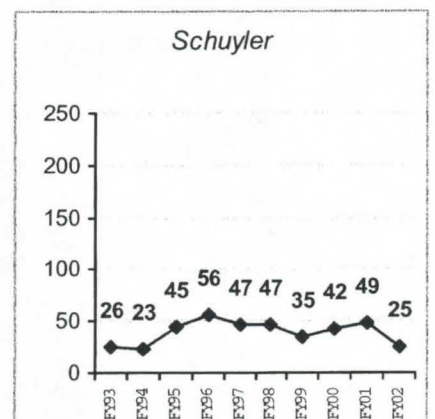
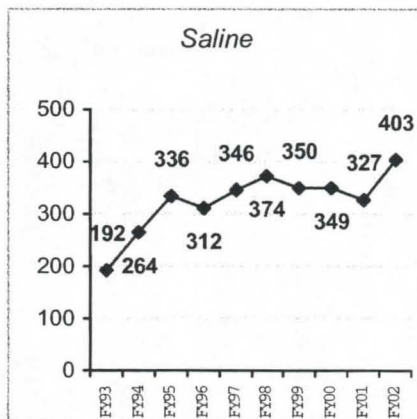
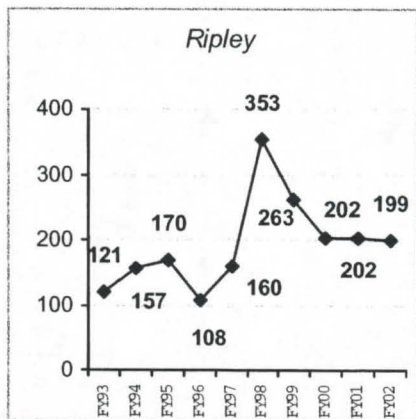
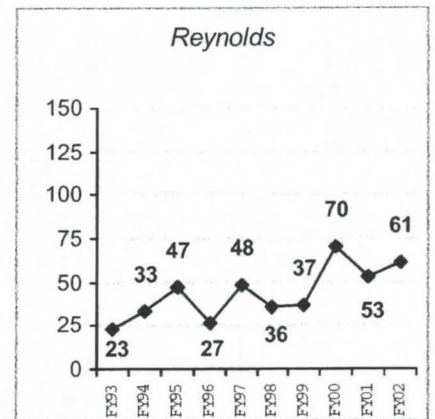
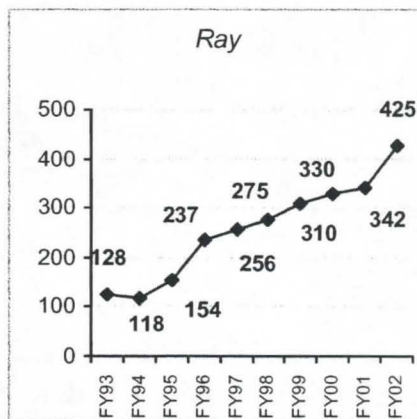
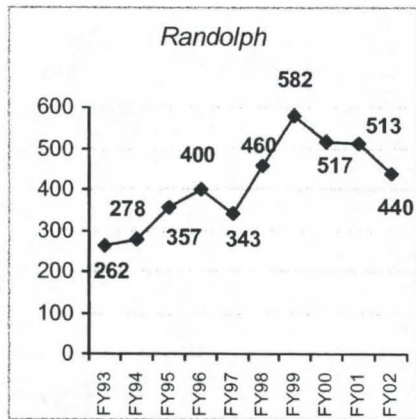
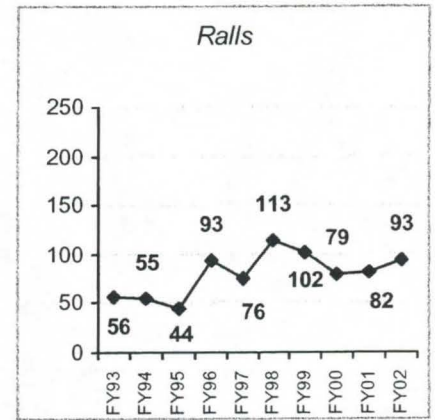
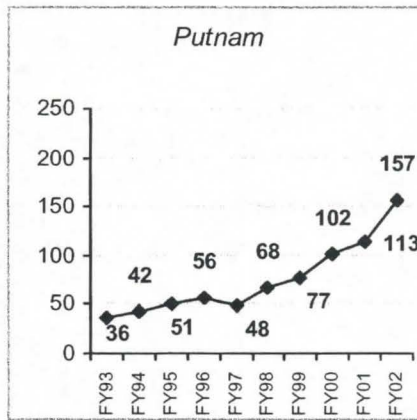
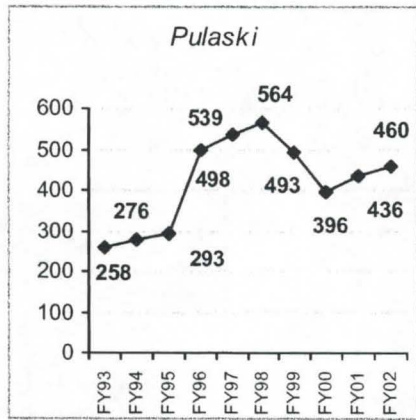
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



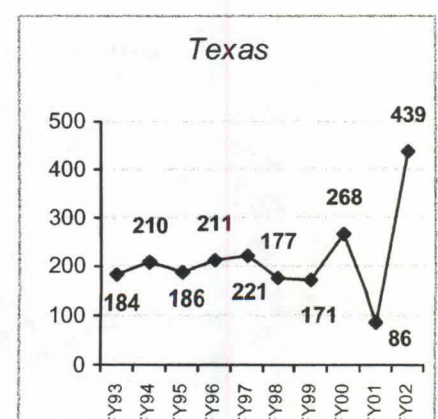
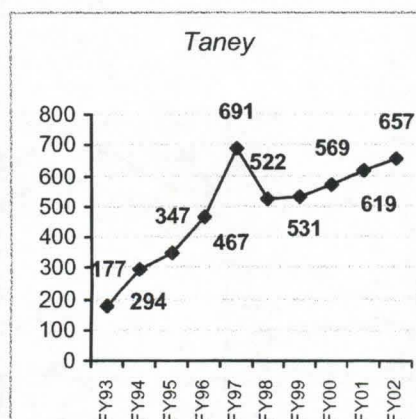
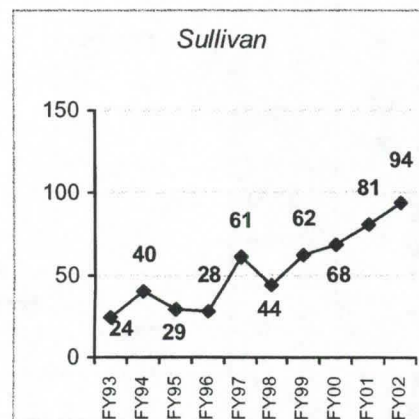
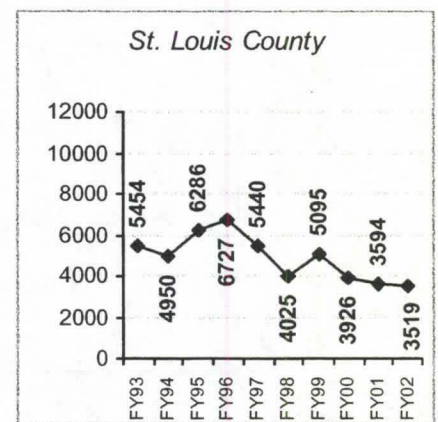
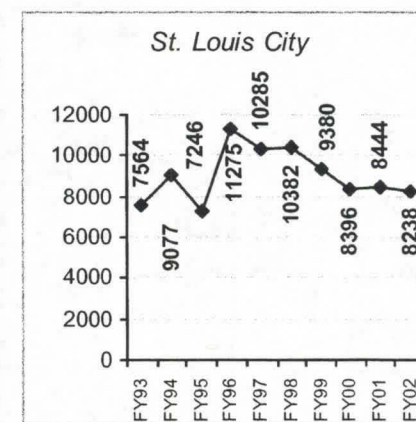
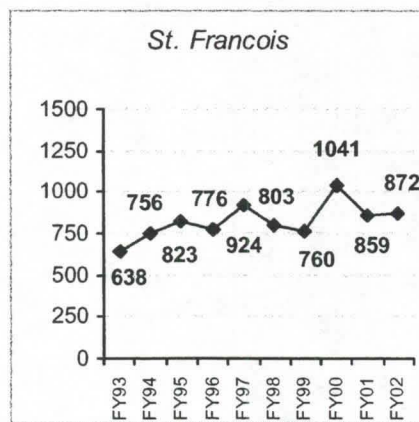
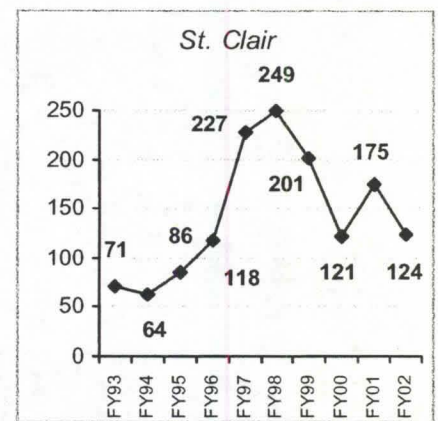
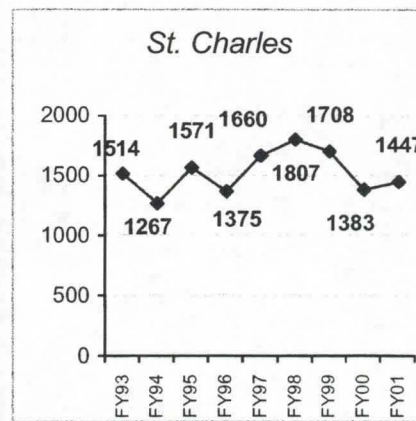
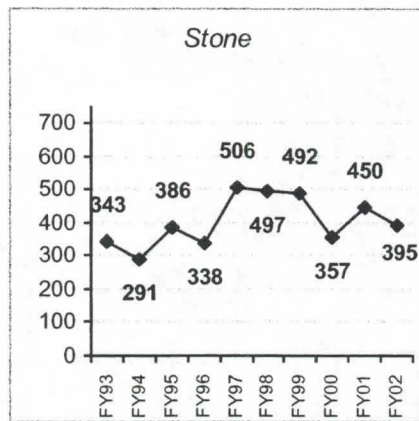
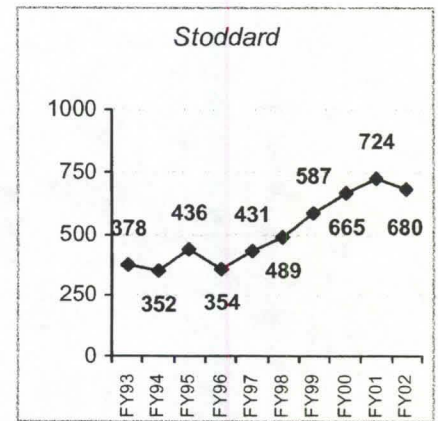
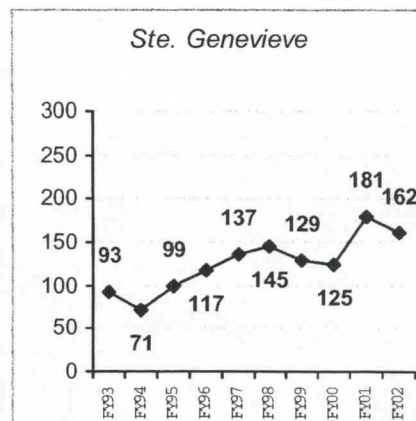
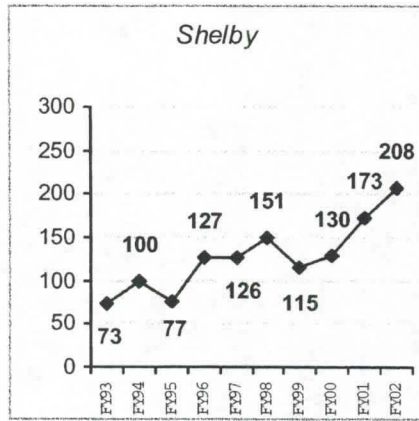
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



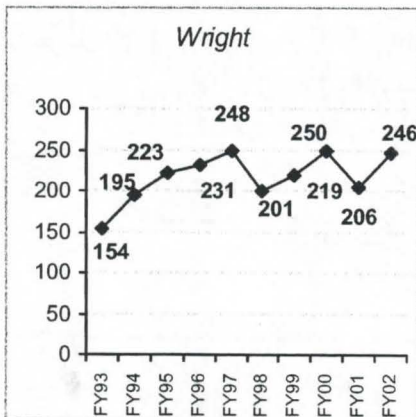
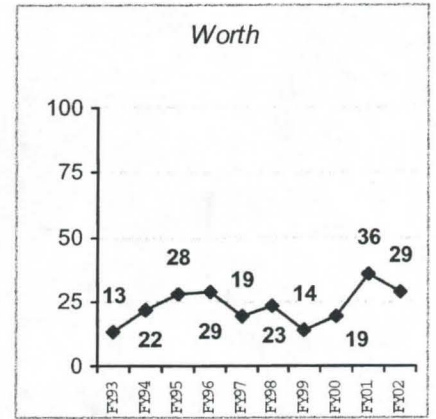
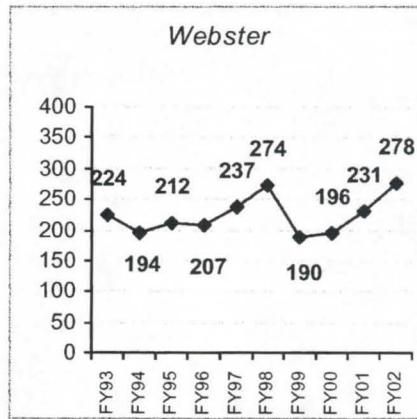
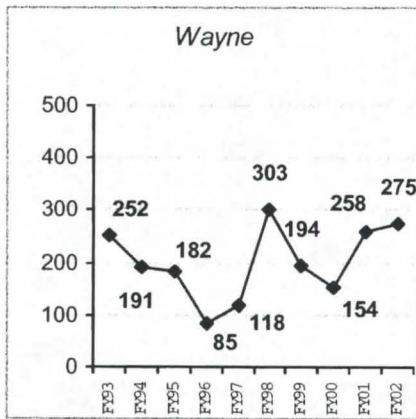
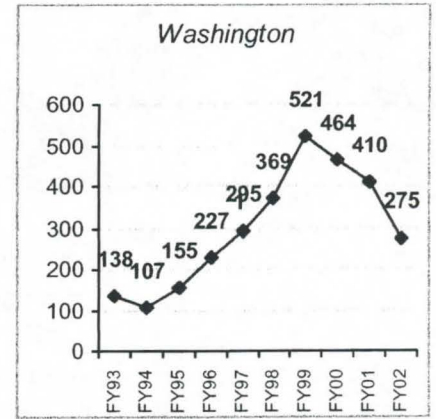
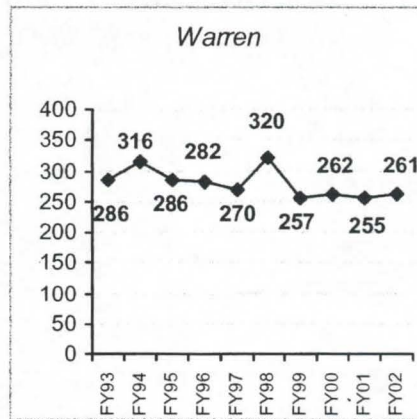
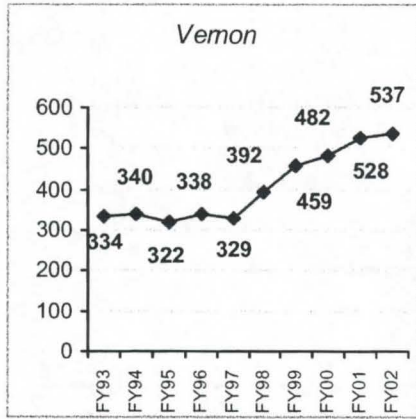
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



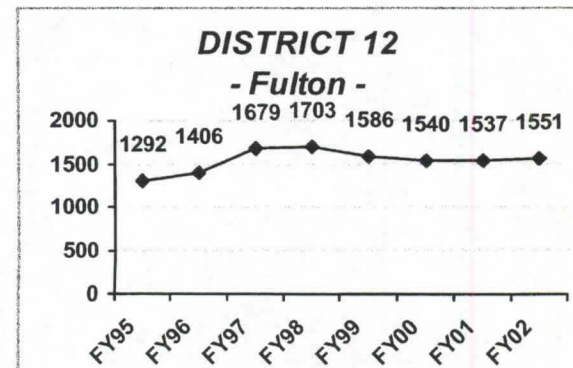
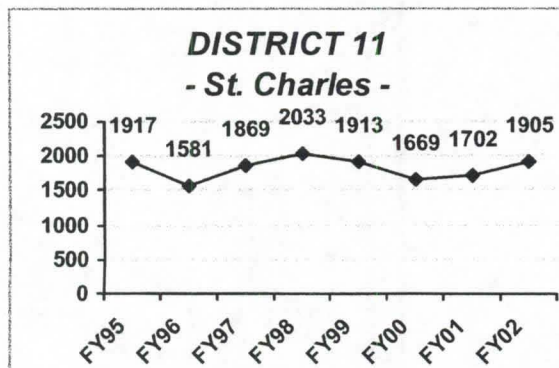
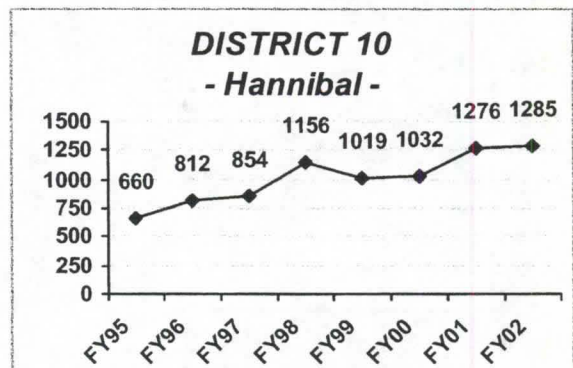
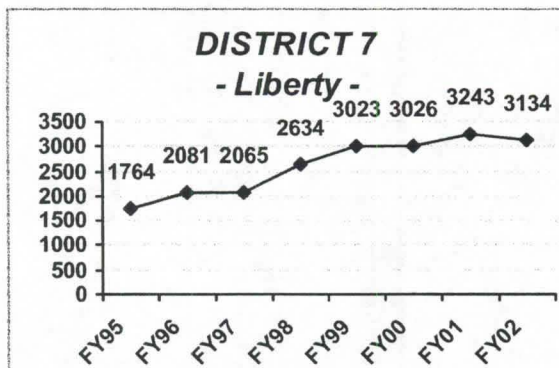
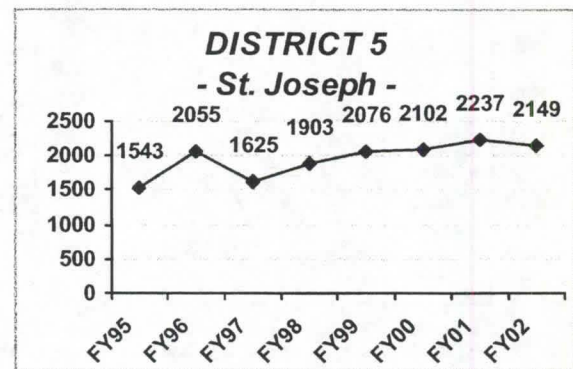
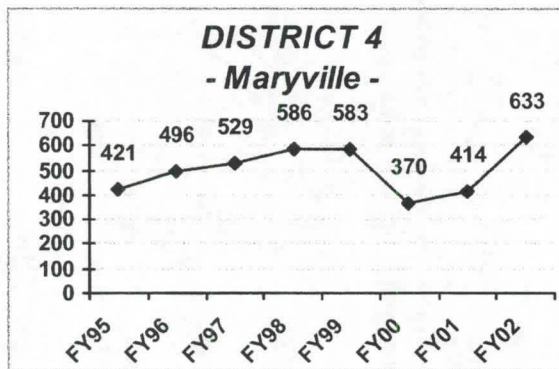
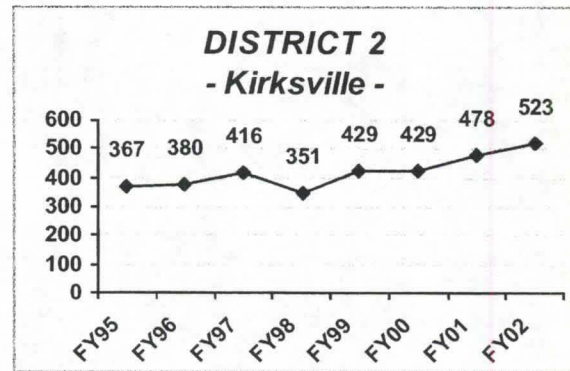
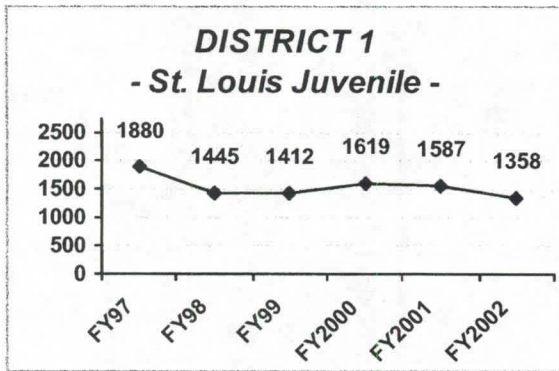
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



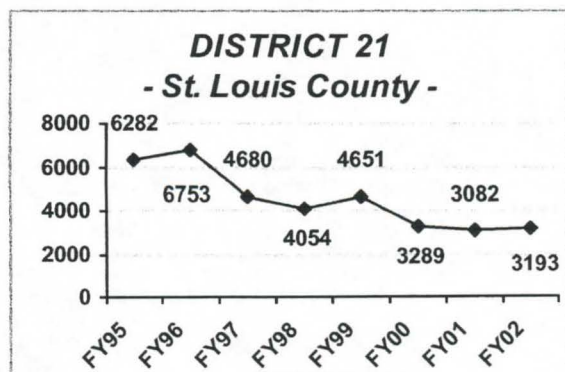
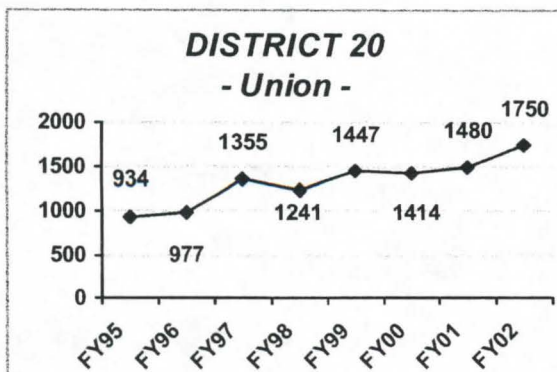
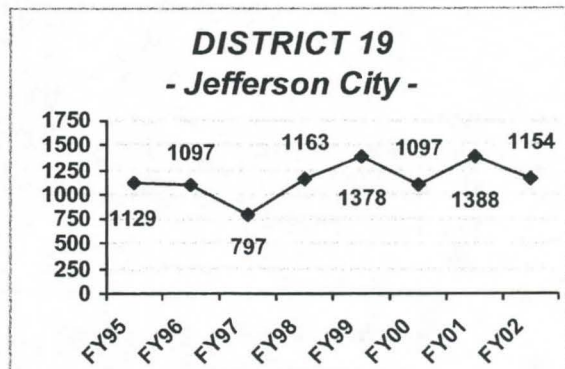
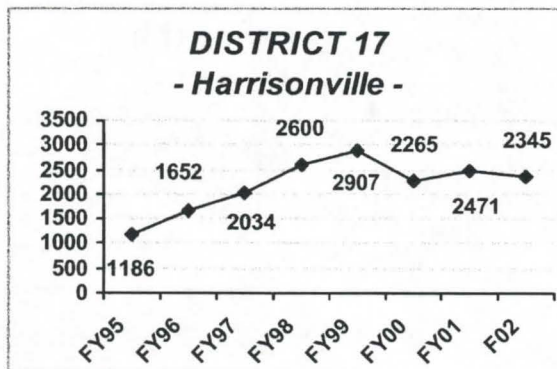
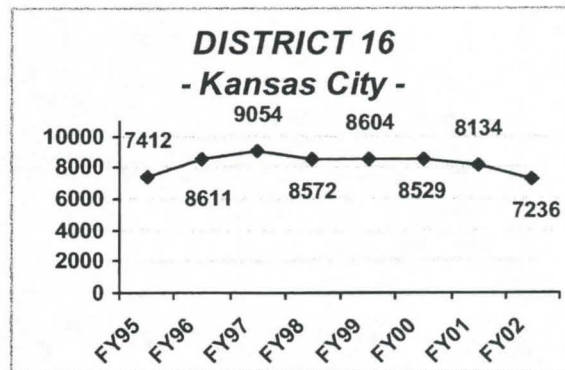
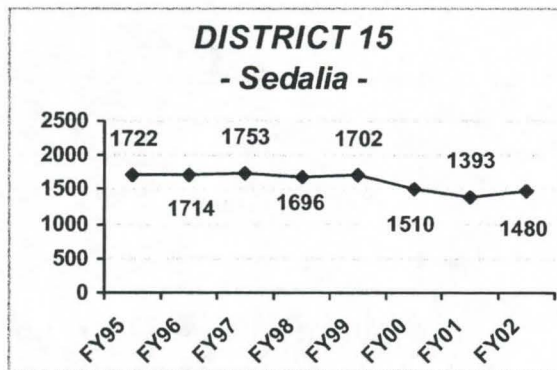
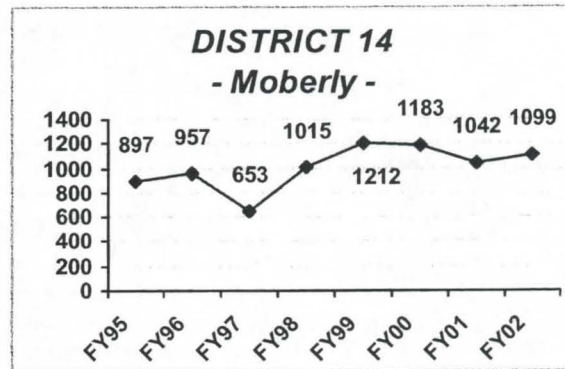
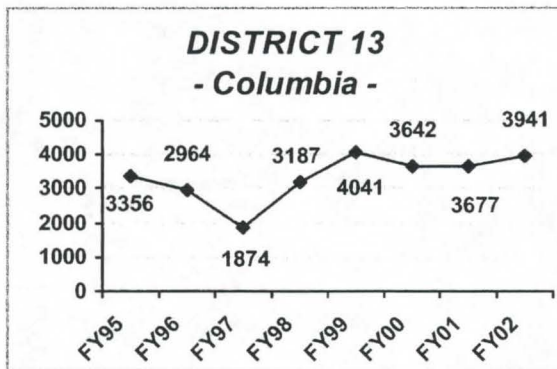
FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD—CLOSED CASES BY COUNTY



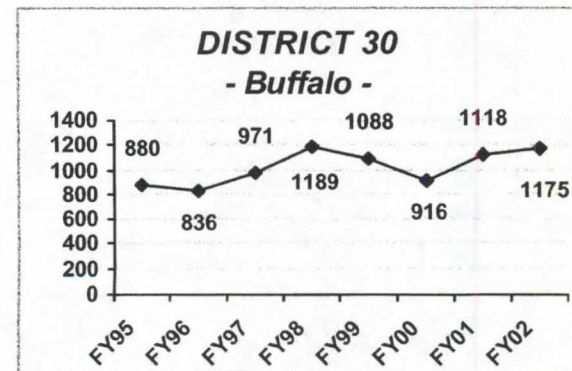
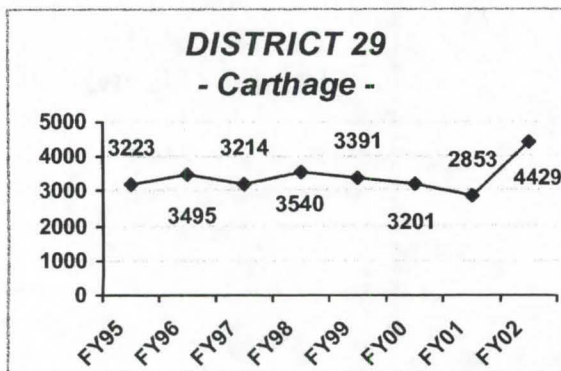
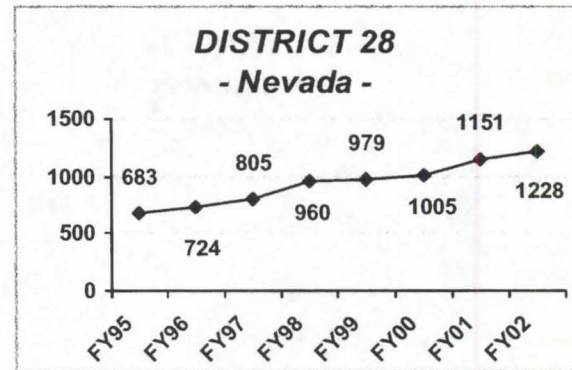
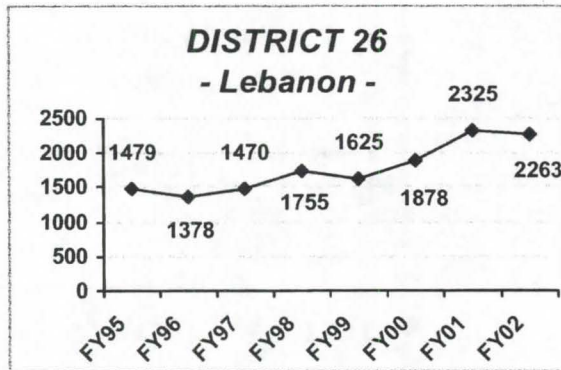
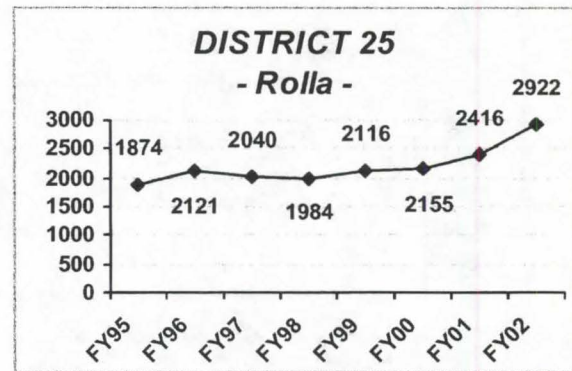
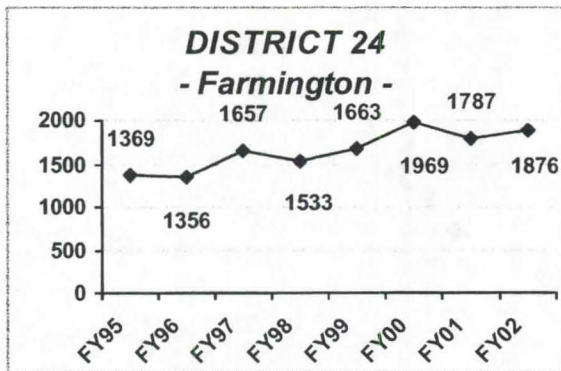
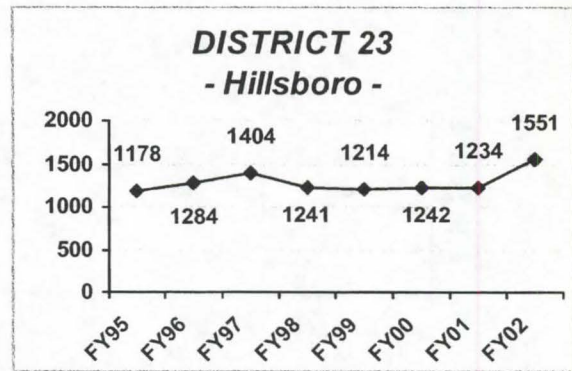
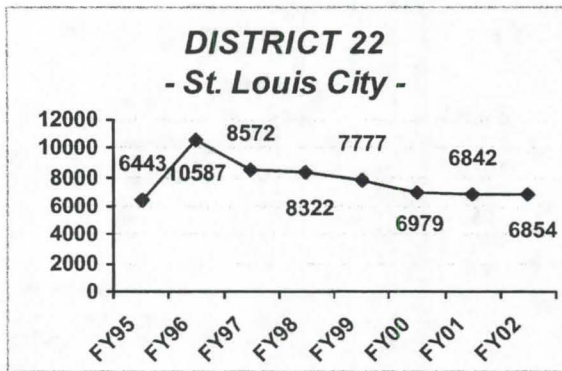
Disposed Caseload –By District FY1995 to FY2002



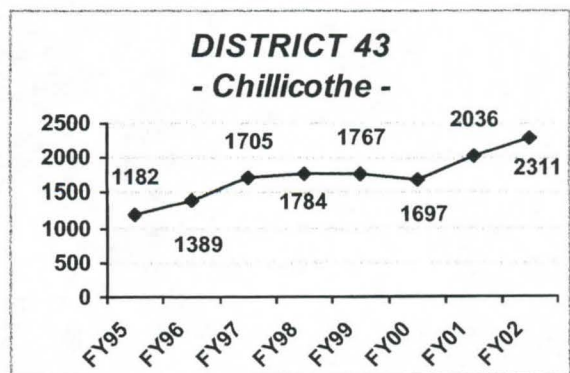
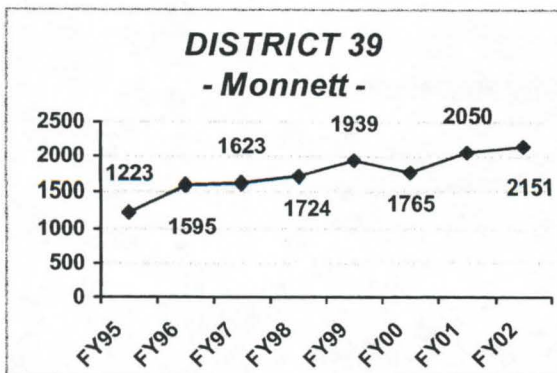
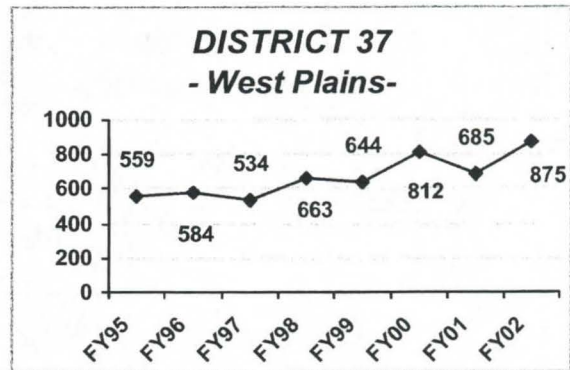
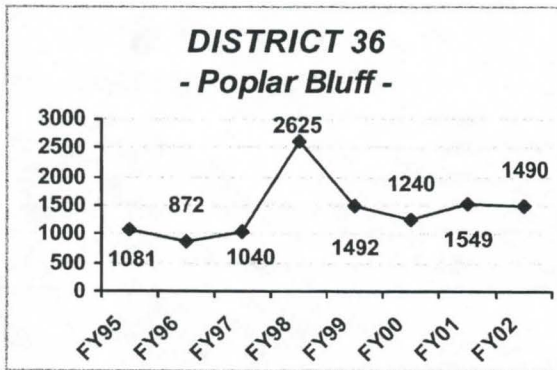
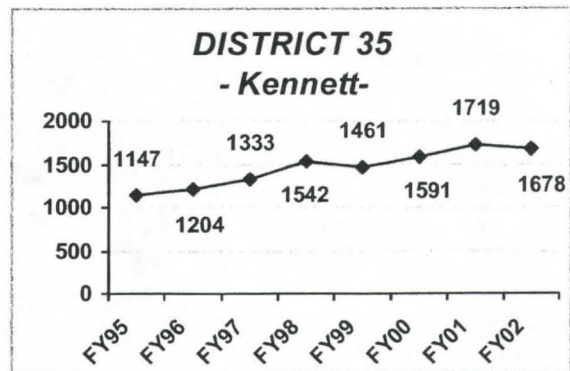
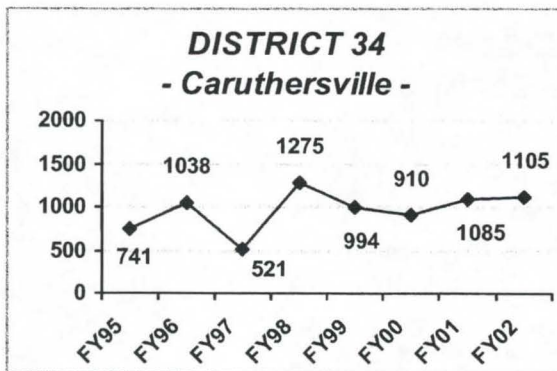
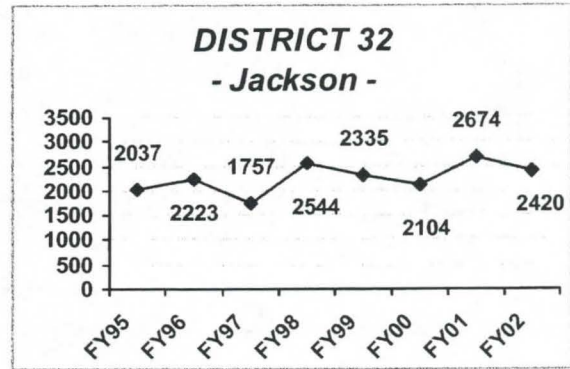
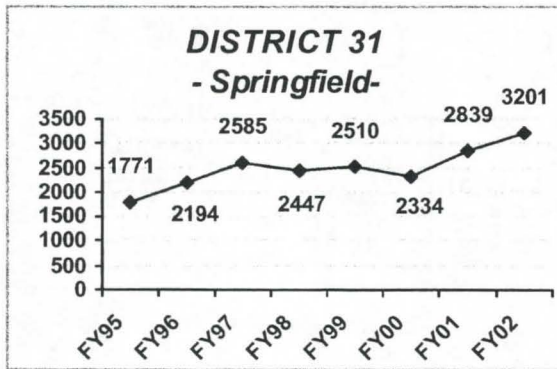
Disposed Caseload –By District FY1995 to FY2002



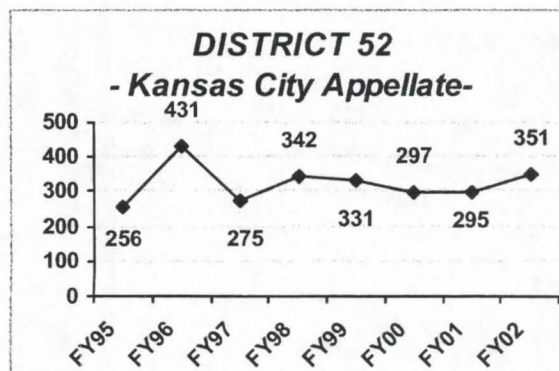
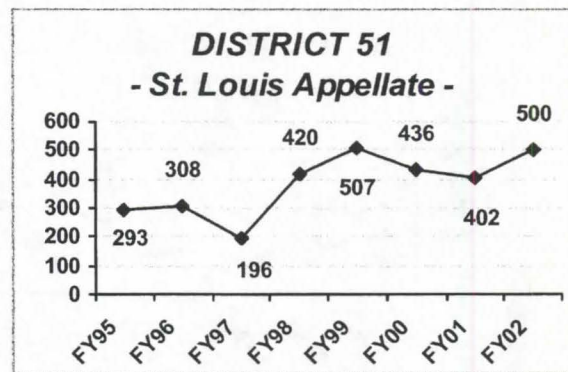
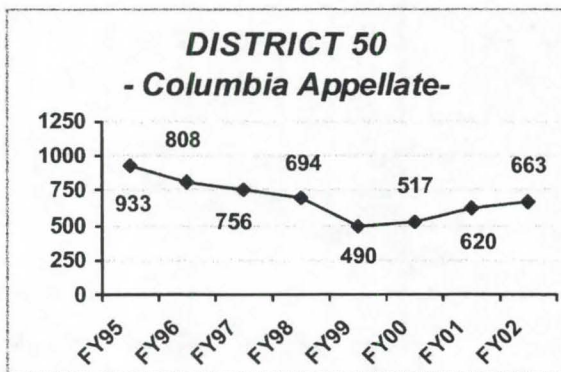
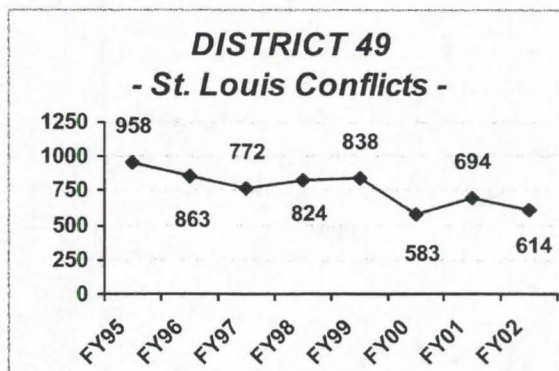
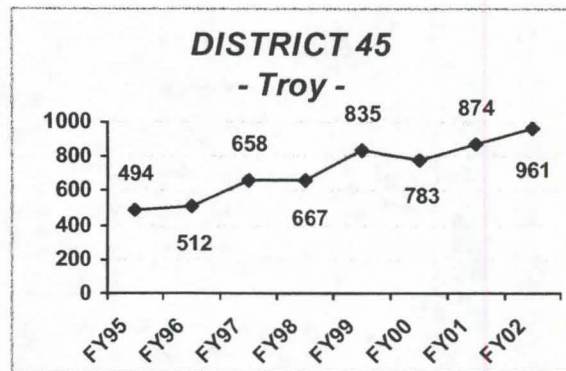
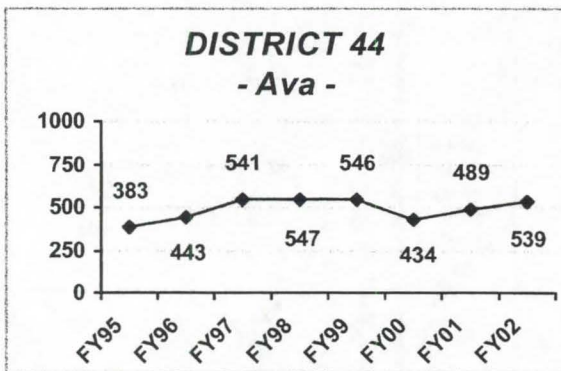
Disposed Caseload -By District FY1995 to FY2002



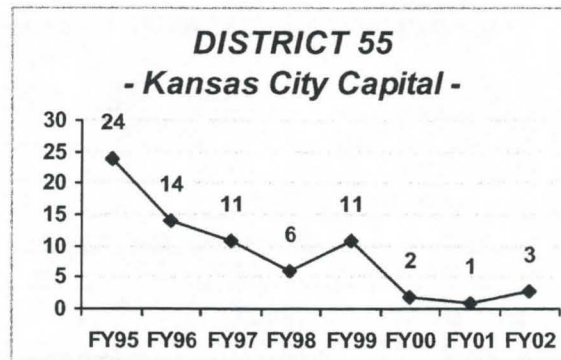
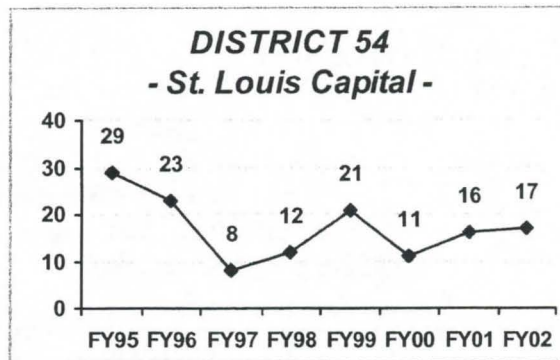
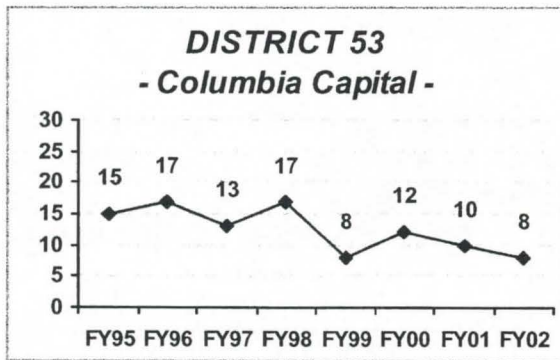
Disposed Caseload –By District FY1995 to FY2002



Disposed Caseload –By District FY1995 to FY2002



Disposed Caseload -By District FY1995 to FY2002



Cases Closed

Cost of Cases Closed

The direct cost, on average, of all cases disposed by to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2002 was \$283.88. The Trial Division average was \$209.96. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

FISCAL YEAR 2002 – TRIAL DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY02 Cases Assigned	Cost Per Assignment	FY02 Cases Disposed	Cost Per Disposition
1	Juvenile	Daniel Underwood	\$602,585.51	1,294	\$465.68	1,358	\$443.73
2	Kirksville	Brendan Maturen	\$195,028.43	595	\$327.78	523	\$372.90
4	Maryville	Jeff Stephens	\$186,273.14	617	\$301.90	633	\$294.27
5	St. Joseph	Bert Godding	\$497,744.98	2,192	\$227.07	2,149	\$231.62
6	Kansas City Juvenile	Mary Belm	\$258,946.07	996	\$259.99	935	\$276.95
7	Liberty	Anthony Cardarella	\$570,800.90	3,358	\$169.98	3,134	\$182.13
10	Hannibal	Raymond Legg	\$292,947.37	1,302	\$225.00	1,285	\$227.97
11	St. Charles	Christine Sullivan	\$458,274.84	1,943	\$235.86	1,905	\$240.56
12	Fulton	Michael Hamilton	\$307,143.28	1,536	\$199.96	1,551	\$198.03
13	Columbia	Kathryn Benson	\$515,835.31	3,933	\$131.16	3,941	\$130.89
14	Moberly	Thomas Marshall	\$311,451.79	1,268	\$245.62	1,099	\$283.40
15	Sedalia	Kathleen Brown	\$394,055.34	1,558	\$252.92	1,480	\$266.25
16	Kansas City	Joel Elmer	\$1,961,136.44	8,115	\$241.67	7,236	\$271.02
17	Harrisonville	Jeffery Martin	\$447,672.41	2,281	\$196.26	2,345	\$190.91
19	Jefferson City	Jan King	\$239,960.48	1,135	\$211.42	1,154	\$207.94
20	Union	Lisa Preddy	\$249,647.85	1,615	\$154.58	1,750	\$142.66
21	St. Louis County	Shawn Goulet	\$1,332,629.28	4,121	\$323.38	3,193	\$417.36
22	St. Louis City	Kent Hall	\$1,501,298.42	7,543	\$199.03	6,855	\$219.01
23	Hillsboro	Lisa Clover	\$255,213.68	1,584	\$161.12	1,551	\$164.55
24	Farmington	Wayne Williams	\$364,717.50	1,987	\$183.55	1,876	\$194.41
25	Rolla	Charles Hoskins	\$380,840.52	3,001	\$126.90	2,922	\$130.34
26	Lebanon	James Wilson	\$433,968.71	2,429	\$178.66	2,263	\$191.77
28	Nevada	Joe Zuzul	\$223,393.56	1,288	\$173.44	1,228	\$181.92
29	Joplin	Darren Wallace	\$706,487.22	4,444	\$158.98	4,429	\$159.51
30	Buffalo	Dewayne Perry	\$272,572.65	1,189	\$229.25	1,175	\$231.98
31	Springfield	Vacant District Defender	\$578,831.81	3,787	\$152.85	3,201	\$180.83
32	Jackson	Christopher Davis	\$492,777.42	2,522	\$195.39	2,420	\$203.63
34	Caruthersville	Michael Skrien	\$230,631.54	1,167	\$197.63	1,105	\$208.72
35	Kennett	Catherine Rice	\$283,107.90	1,737	\$162.99	1,678	\$168.72
36	Poplar Bluff	Wade Schuster	\$316,257.29	1,573	\$201.05	1,490	\$212.25
37	West Plains	Donna Anthony	\$211,060.43	999	\$211.27	875	\$241.21
39	Monnett	Victor Head	\$531,435.48	2,437	\$218.07	2,151	\$247.06
43	Chillicothe	David Miller	\$384,460.24	2,356	\$163.18	2,311	\$166.36
44	Ava	Susan Faust	\$182,622.46	611	\$298.89	539	\$338.82
45	Troy	Thomas Gabel	\$238,368.46	932	\$255.76	961	\$248.04
49	St. Louis Conflicts	Robert Steele	\$406,549.44	718	\$566.22	613	\$663.21

FISCAL YEAR 2002 – APPELLATE DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY02 Cases Assigned	Cost Per Assignment	FY02 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	\$730,896.58	303	\$2,412.20	253	\$2,888.92
51	St. Louis Appellate	Douglas Hoff	\$522,831.21	244	\$2,142.75	188	\$2,781.02
52	Kansas City Appellate	Susan Hogan	\$447,137.72	185	\$2,416.96	174	\$2,569.76
67	Appellate/PCR Central A	Steve Harris	\$670,547.11	360	\$1,862.63	393	\$1,706.23
68	Appellate/PCR Eastern B	Renee Robinson	\$562,437.25	256	\$2,197.02	169	\$3,328.03
69	Appellate/PCR Western	Andrew Schroeder	\$236,041.11	166	\$1,421.93	136	\$1,735.60

FISCAL YEAR 2002 – CAPITAL DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY02 Cases Assigned	Cost Per Assignment	FY02 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	\$1,022,900.71	5	\$204,580.14	8	\$127,862.59
54	St. Louis Capital	Robert Wolfrum	\$1,245,343.17	10	\$124,534.32	17	\$73,255.48
55	Kansas City Capital	Cynthia Short	\$906,627.03	4	\$226,656.76	3	\$302,209.01

FIRST REGULAR SESSION
TRULY AGREED TO AND FINALLY PASSED

HOUSE BILL NO. 1012
91ST GENERAL ASSEMBLY

Section 12.300. To the Office of State Public Defender
For the purpose of funding the State Public Defender System

Personal Service	0911/95123	\$22,104,233
Expense and Equipment	0912/95124	<u>\$5,747,551</u>
Subtotal		\$27,851,784

For payment of expenses as provided by Chapter 600, RSMo.
associated with the defense of violent crimes and/or the
defense of cases where a conflict of interest exists

Expense and Equipment	8727/67095	<u>\$2,059,850</u>
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From General Revenue Fund	\$29,808,922
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For expenses authorized by the Public Defender Commission
as provided by Section 600.090, RSMo.

Personal Service	0951/72823	\$57,178
Expense and Equipment	7673/63783	<u>\$1,157,356</u>

From Legal Defense and Defender Fund	\$1,214,534
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For refunds set-off against debts as required by
Section 143.786, RSMo.

From Debt Offset Escrow Fund	0753/3023/80023	\$350,000E
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For all grants and contributions of funds from the federal
government or from any other source which may be deposited
in the State Treasury for the use of the Office of the State
Public Defender

From Federal Funds	4006/90254	<u>\$125,000</u>
Total (Not to exceed 560.13 F.T.E.)		\$31,601,168

Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocations hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

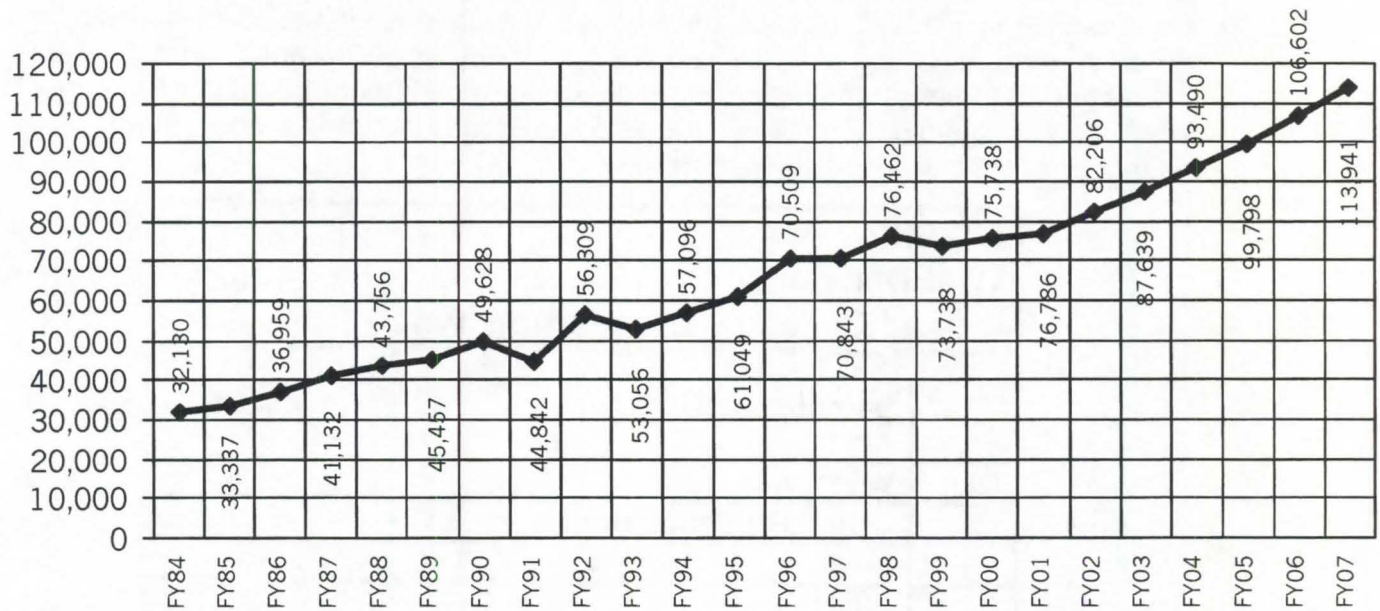
Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's Public Defenders and support staff.

FY2002 Trial Division Closed Cases by Disposition Type		
	Description	# of Cases
01	Withdrawn	6,756
02	Dismissed/Withdrawn	11,281
03	NGRI	31
04	Guilty Plea	34,772
05	Court Trial	349
06	Jury Trial	422
10	Juvenile Hearing	1,733
11	Certification Hearing	71
12	Juvenile Informal Hearing	248
15	PCR No Hearing & PCR Hearings	3
20	Chapter 552	48
25	Probation Violation Hearing	14,478
30	Granted and Denied Writs	6
35	Appeal Decision	13
41	Conflict Transfer	2,813
42	Conflict Assignment	454
50	Capias Warrant > than 1 year	1,191
	Total Trial Division Closed Cases	75,314

Caseload Increase

An analysis of the caseload of the State Public Defender System shows a continued increase. In FY2002, the State Public Defender System provided representation in 77,639 newly assigned cases. The projection for FY2003 is 87,639 and for FY2004 is 93,490. By Fiscal Year 2007, it is projected that the State Public Defender System will be responsible for representation in over 113,941 criminal cases.

Public Defender Caseload Analysis



August-02

Missouri State Public Defender System

	Murder 1st	Other Homicide	Murder + Felony Felony	Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violations	Appeals	Total Assigned	Total Disposed	Disposed/ Assigned Ratio
FY07 PROJECTION	173	199	41,882	42,254	34,606	4,320	1,095	42	30,689	935	113,941	99,796	0.8759
FY06 PROJECTION	171	183	39,977	40,331	32,466	4,236	1,029	48	27,597	895	106,602	94,792	0.8892
FY05 PROJECTION	169	169	38,158	38,496	30,457	4,155	967	50	24,817	856	99,798	90,040	0.9022
FY04 PROJECTION	167	155	36,422	36,744	28,573	4,074	909	54	22,317	819	93,490	85,526	0.9148
FY03 PROJECTION	165	143	34,765	35,073	26,805	3,995	854	59	20,069	784	87,639	81,238	0.9270
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

Sexually Violent Predator Representation

The Missouri State Public Defender Sexually Violent Predator Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's sexually violent predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The SVP cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal.

The relatively low number of cases closed in fiscal year 2002 reflects a period of several months in which many trial courts did not hold any SVP trials. This occurred because the trial courts were waiting for opinions from the US Supreme Court in Kansas v. Crane, which was decided in January 2002, and then from the Missouri Supreme Court in State v. Thomas, which required some changes in the interpretation of MO SVP standards and in the way juries are instructed.

Since May, when the Missouri Supreme Court articulated the standards set forth in Thomas, MSPD's SVP unit has tried close to 17 cases in courts across the state of Missouri.

FY 2002 Sexually Violent Predator Unit Caseload Statistics	
	# of Cases
Cases Currently Pending	14
Closed in FY 2002	
Jury Trials	11
Court Trials	1
Guilty Plea	1
Dismissal	9
No Action	2
Total Closed in FY 2002	24

Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. The Alternative Sentencing assisted in 244 cases where probations was granted.

FY2002 ALTERNATIVE SENTENCING Caseload Statistics	
Case Type	# of Cases
A—Felony	78
B—Felony	136
C—Felony	269
D—Felony	142
Misdemeanor	30
Unclassified—Statutory Sodomy 1st	12
Total FY2002 Alternative Sentencing	667

FY2002 ALTERNATIVE SENTENCING Plans and Referrals	
Description	# of Cases
Sentencing with Full Alternative Sentencing Plan	369
Referrals – Treatment Placements	298
Total FY2002 Alternative Sentencing Caseload	667

Fiscal Year 2004 Budget Request

Caseload Increase

An analysis of the projected FY2004 caseload for the State Public Defender System shows an increase to 93,490 total cases assigned. Of the 93,490 it is estimated that 90,929 are trial division cases.

FY2004 TRIAL DIVISION CASELOAD PROJECTIONS	
1st Degree Murder	141
Other Homicide	147
Felony	36,021
Misdemeanor	28,216
Juvenile	4,062
Probation Violations	22,279
Other (Appeals & Chapter 552)	63
Total Fiscal Year 2004 Trial Division Projections	90,929

Typically, requests for dollars to effectively handle increased caseload are for the upcoming budget year, FY2004. The assumption has always been that the existing attorneys (FY02) effectively provided representation for FY02 cases. Therefore, the number of actual FY02 cases is divided by the number of FY02 attorneys to determine the number of cases handled by each FY02 attorney. Then the number of FY2004 (budget year request) projected cases (90,929) is divided by the number of existing attorneys (FY03) to determine if the workload is remaining constant. If the caseload exceeds 334 cases per trial division attorney FTE per fiscal year a decision item is warranted. The FY2004 projected Trial Division caseload is 90,929. The number of attorneys assigned for FY03 is 268 attorneys. Therefore, the projected caseload per attorney for FY2003 is 339 cases.— This number exceeds the 334 base number required for an "Increased Caseload Decision Item".

268 Trial Division attorneys can provide representation in 89,512 cases. The projection of 90,929 requires 272.25 attorneys ($90,929 / 334 = 272.25$). The trial division currently has 268 attorneys. 272.25 minus 268 attorneys results in 4.25 additional attorneys required to provide appropriate staffing levels as requested in our FY04 Legislative Budget

Attorney Salary Increases - Assistant Public Defenders I, IP, II and III

The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system. It is a problem of crisis proportion.

Historically, high attorney turnover has plagued the State Public Defender System. In 1994, 60% of attorneys employed left the System within three years. In response to this problem, the legislature appropriated additional funding of \$1.2 million in Fiscal Years 1994 and 1995, specifically to improve attorney salaries and tenure.

The increased funding of the mid-90s temporarily improved attorney retention. However, today's attorney turnover rate is terrible and getting worse. The current attorney turnover rate is 17.5%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector.

Exit and employment interviews repeatedly reveal low pay as the primary reason candidates do not choose to be employed, or remain employed, by the State Public Defender. The last targeted increase in attorney salaries was seven years ago. The General pay plan increases since FY96 have simply not kept pace with reasonably expected salaries for law school graduates and lawyers with 1-5 years experience.

The inability to recruit and retain attorneys is causing a crisis in the administration of Missouri's criminal justice system. This has been particularly evident the past three years.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose just 93% of the cases assigned. The FY03 backlog of more 5,000 cases is directly attributed to a shortage of experienced attorneys to handle them

This trend is continuing. The backlog was nearly 15,000 cases at the end of FY03 and is estimated to be over 20,000 by the end of FY04. The backlog of cases is directly attributed to a shortage of experienced attorneys to handle them.

Our FY04 decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
	234,730	220,194	14,536

Homicide and Conflict - Extraordinary Fund

In fiscal year 1989 the Governor and the Legislature established an appropriation line for costs associated with conflict case reassignments and extraordinary expenses related to providing representation in criminal cases. The appropriation is used to provide the defense with funds for necessary expenses such as expert witnesses, psychiatric evaluations, depositions, forensic examinations and DNA tests.

In FY95 the legislature appropriated \$1,015,863.00 for these costs. That fiscal year, OSPD received a supplemental appropriation of \$737,445.00 to continue the costs associated with effective legal representation as constitutionally required. In FY95, total system caseload assignments for was 61,049. The following fiscal year, FY96, the legislature increased the appropriation to \$2,059,000. The appropriation has remained \$2,059,000 since that time. While the appropriation has remained the same, total system caseload has sky rocketed to 82,206 in FY02, an increase of 35%, or 21,157 cases. This increase pushed total expenditures to \$2,039,247.59, or 99% of the \$2,059,000.00 appropriation.

The Director's office must approve, modify, or deny all requests for expenditures from this appropriation. The centralization of this process has enabled the Director to ensure fiscal responsibility while maintaining quality representation. However, since FY96 significant increases in caseloads and the costs associated with improved science and technology necessitate an FY04 increase in the appropriation if effective representation is to continue.

Legislative Recommendations

Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manner of funding office rent and utilities for these offices was not changed.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes between counties and the Department of State Public Defender have expanded beyond the statutory obligation. Disputes have not only concerned whether or not office space will be provided at all, they have included *where* and *what* space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully

inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. The State Public Defender is not interested in securing fancy, luxurious offices. It's interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

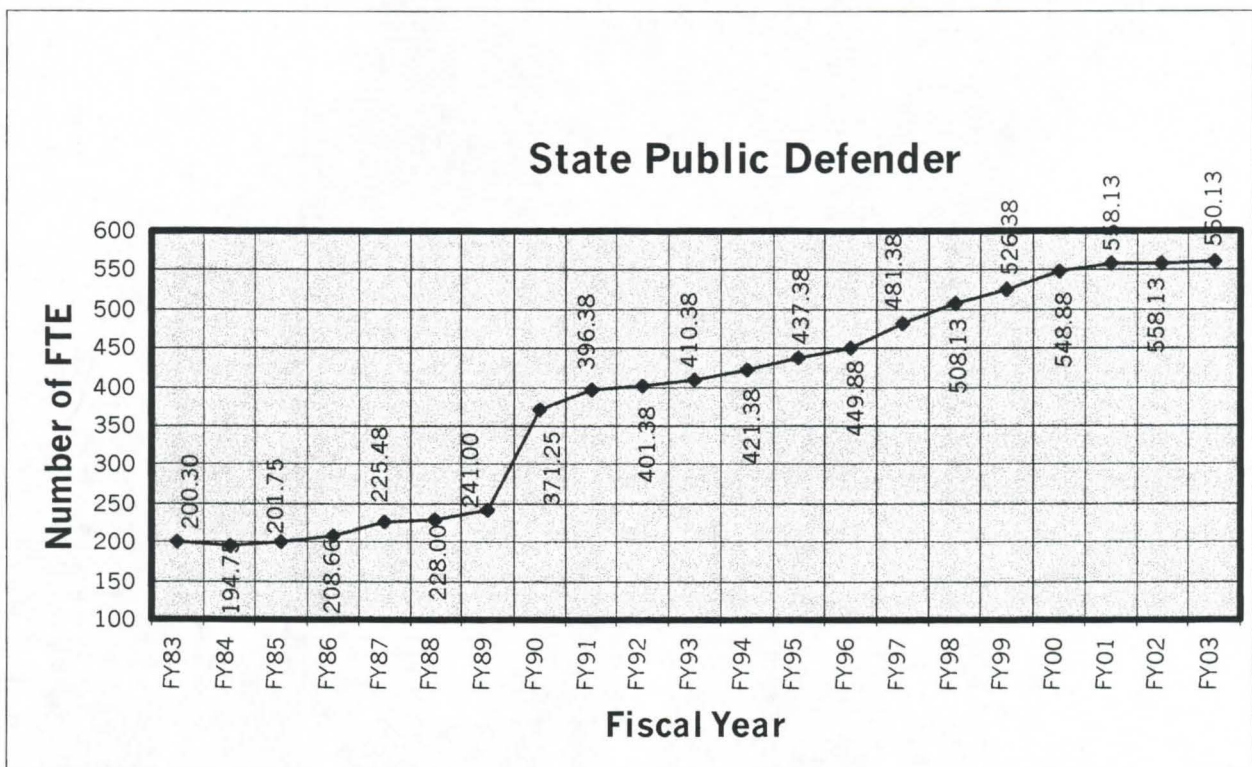
The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 99,798 cases by 2005. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

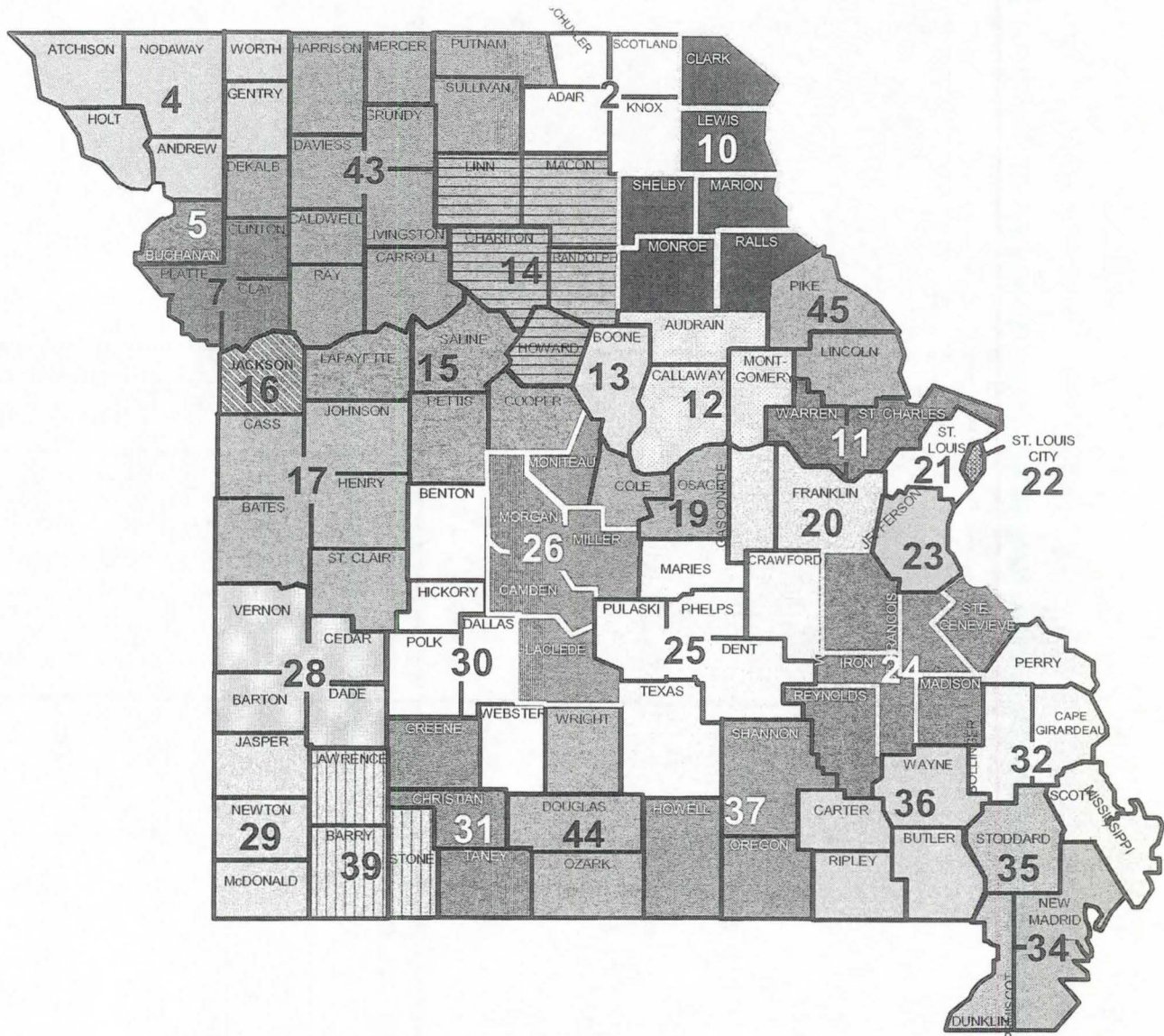
The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.



Missouri State Public Defender Trial Division District Map



MISSOURI STATE PUBLIC DEFENDER SYSTEM

DIRECTOR, DEPUTY DIRECTOR & DIVISION DIRECTORS

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231 E. Capitol Avenue
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Dan Gralike, Deputy Director
Peter Sterling Trial Division Director
Lew Kollias, Appellate/PCR Div. Director
3402 Buttonwood
Columbia, MO 65201
573-882-9855 FAX: 573-875-2594

Karen Kraft, Capital Litigation Div. Director
Cathy Kelly, Training Division Director
Ellen Blau, Deputy Trial Division Director
Shell Building, Suite 410
1221 Locust Street
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7666

TRIAL DIVISION OFFICES

Area 1 – Juvenile Advocacy - St. Louis City, St. Louis County

Daniel Underwood, District Defender
Shell Building, Suite 650
1221 Locust Street
St. Louis, MO 63103
314-340-7525 FAX: 314-421-0829

Area 2 -- Adair, Knox, Schuyler, Scotland Counties

Brendan Maturen, District Defender
705 E. LaHarpe, Suite C
Kirksville, MO 63501
660-785-2445 FAX: 660-785-2449

Area 4 -- Andrew, Atchison, Gentry, Holt, Nodaway, Worth Counties

Jeff Stephens, District Defender
Northside Mall
115 East Fourth Street, Suite 5
Maryville, MO 64468
660-582-3545 FAX: 660-562-3398

Area 5 -- Buchanan County

Bert Godding, District Defender
120 South 5th Street, 2nd Floor
St. Joseph, MO 64501
816-387-2026 FAX: 816-387-2786

Area 6 – Juvenile Advocacy – Jackson Co.

Mary Bellm, District Defender
505 East 27th Street
Kansas City, MO 64108
816-881-6578 FAX: 816-881-6563

Area 7 – Clay, Clinton, Platte Counties

Anthony Cardarella District Defender
234 West Shrader
Liberty, Missouri
816-792-5394 FAX: 816-792-8267

Area 10 -- Clark, Lewis, Marion, Monroe, Ralls, Shelby Counties

Raymond Legg, District Defender
109 Virginia, Suite 300
Hannibal, MO 63401
573-248-2430 FAX: 573-248-2432

Area 11 -- St. Charles, Warren Counties

Christine Sullivan, District Defender
300 N. Second Street, Suite 264
St. Charles, MO 63301
636-949-7300 FAX: 636-949-7301

Area 12 -- Audrain, Callaway, Montgomery Counties

Michael Hamilton, District Defender
500 Market Street
Fulton, MO 65251
573-592-4155 FAX: 573-642-9528

Area 13 -- Boone County

Kathryn Benson, District Defender
601 E. Walnut
Columbia, MO 65201
573-882-9701 FAX: 573-882-9147

**Area 14 -- Chariton, Howard, Linn,
Macon, Randolph Counties**

Thomas J. Marshall, District Defender
P.O. Box 627, 210 N. Williams
Moberly, MO 65270
660-263-7665 FAX: 660-263-2479

**Area 15 -- Cooper, Lafayette, Pettis,
Saline Counties**

Kathleen Brown, District Defender
110 S. Limit
Sedalia, MO 65301
660-530-5550 FAX: 660-530-5545

Area 16 -- Jackson County

Joel Elmer, District Defender
Oak Tower, 20th Floor
324 E. 11th Street
Kansas City, MO 64106-2417
816-889-2099 FAX: 816-889-2999

**Area 17 -- Bates, Cass, Henry,
Johnson, St. Clair Counties**

Jeffrey Martin, District Defender
1300 Locust Street, Suite A
Harrisonville, MO 64701
816-380-3160 FAX: 816-380-7844

Area 19 -- Cole, Osage Counties

Jan King, District Defender
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Jefferson City, MO 65101
573-526-3266 FAX: 573-634-4532

**Area 20 -- Franklin,
Gasconade Counties**

Lisa Preddy, District Defender
4-B S. Church Street
Union, MO 63084
636-583-5197 FAX: 636-583-1740

Area 21 -- St. Louis County

Shawn Goulet, District Defender
100 S. Central, 2nd Floor
Clayton, MO 63105
314-615-2778 FAX: 314-615-3128

Area 22 -- St. Louis City

Kenton Hall, District Defender
Mel Carnahan Courthouse
1114 Market Street, Suite 602
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Area 23 -- Jefferson County

Lisa Clover, District Defender
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636-789-5254 FAX: 636-789-5267

**Area 24 -- Iron, Madison, Reynolds,
St. Francois, Ste. Genevieve,
Washington Counties**

Wayne Williams, District Defender
Liberty Hall Professional Building
400 N. Washington Street, Suite #229
Farmington, MO 63640
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**Area 25 -- Crawford, Dent, Maries,
Phelps, Pulaski, Texas Counties**

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Rolla, MO 65401
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**Area 26 -- Camden, Laclede, Miller,
Moniteau, Morgan Counties**

James Wilson, District Defender
288 Harwood
Lebanon, MO 65536
417-532-6886 FAX: 417-532-6894

**Area 28 -- Barton, Cedar, Dade,
Vernon Counties**

Joe Zuzul, District Defender
121 W. Cherry
Nevada, MO 64772
417-448-1140 FAX: 417-448-1143

**Area 29 -- Jasper, McDonald,
Newton Counties**

Darren Wallace, District Defender
115 Lincoln Street
Carthage, MO 64836
417-359-8489 FAX: 417-359-8490

**Area 30 -- Benton, Dallas, Hickory,
Polk, Webster Counties**

Dewayne Perry, District Defender
214 South Maple
P.O. Box 406
Buffalo, MO 65622
417-345-2277 FAX: 417-345-7811

**Area 31 -- Christian, Greene,
Taney Counties**

Vacant, District Defender
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417-895-6740 FAX: 417-869-5238

**Area 32 -- Bollinger, Cape Girardeau,
Mississippi, Perry, Scott Counties**

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**Area 34 -- New Madrid,
Pemiscot Counties**

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573-333-4066 FAX: 573-333-0756

Area 35 -- Dunklin, Stoddard Counties

Catherine Rice, District Defender
P.O. Box 648
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**Area 36 -- Butler, Carter, Ripley,
Wayne Counties**

Wade Schuster, District Defender
218 North Broadway
Poplar Bluff, MO 63901
573-840-9755 FAX: 573-840-9773

**Area 37 -- Howell, Oregon,
Shannon Counties**

Donna Anthony, District Defender
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West Plains, MO 65775
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**Area 39 -- Barry, Lawrence,
Stone Counties**

Victor Head, District Defender
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305 Dairy
Monett, MO 65708-0685
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**Area 43 -- Caldwell, Carroll, Daviess,
DeKalb, Grundy, Harrison,
Livingston, Mercer, Putnam, Ray,
Sullivan Counties**

David Miller, District Defender
500 Youssef
Chillicothe, MO 64601
660-646-3343 FAX: 660-646-4228

**Area 44 -- Douglas, Ozark,
Wright Counties**

Susan Faust, District Defender
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Ava, MO 65608
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Area 45 -- Lincoln, Pike Counties

Thomas Gabel, District Defender
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Area 49 -- St. Louis City,**St. Louis County—Conflicts**

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Appellate/PCR Eastern District (B)

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Appellate/PCR Western District (B)

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Missouri State Public Defender Web Site

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